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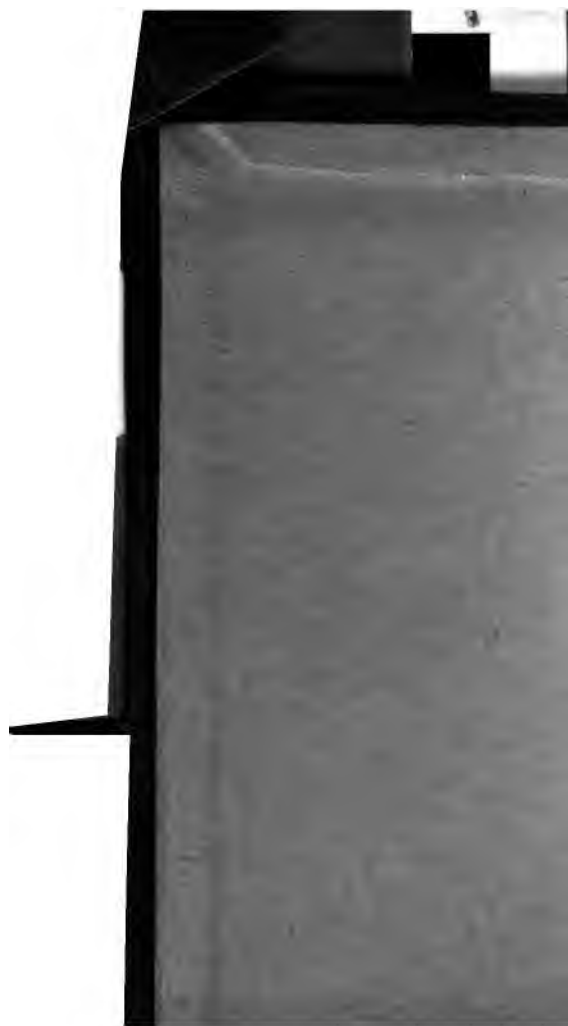
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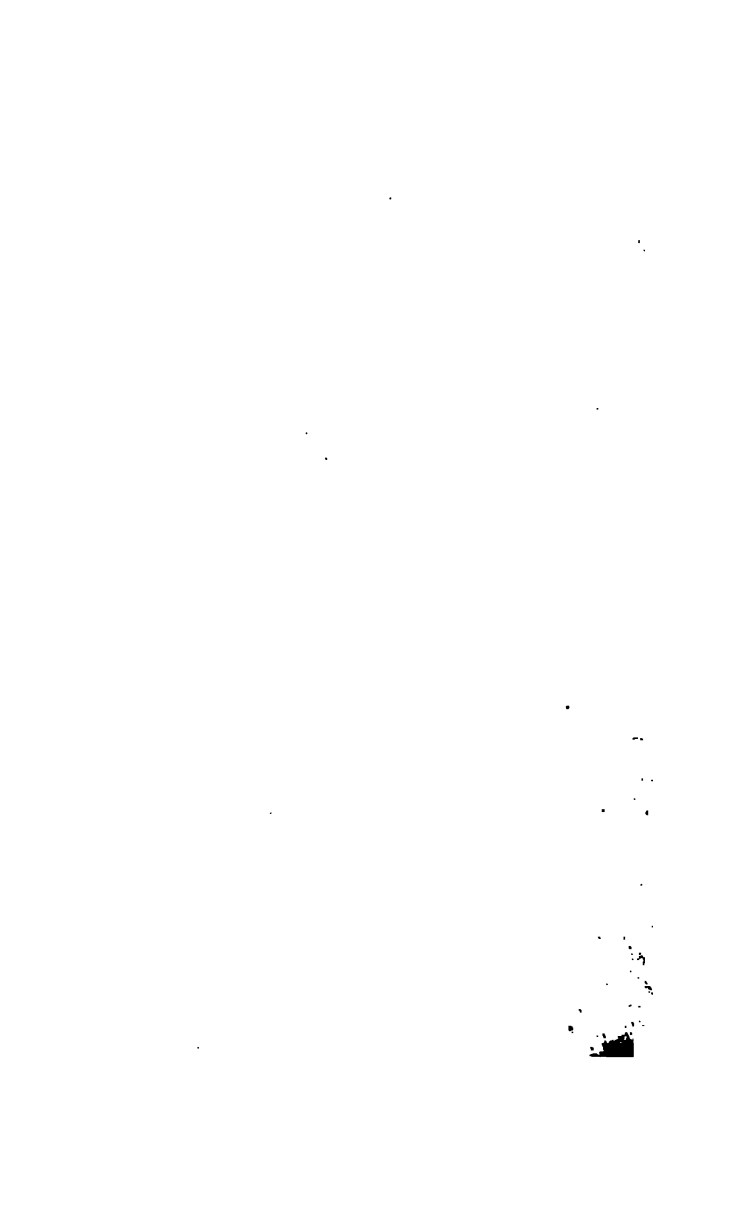
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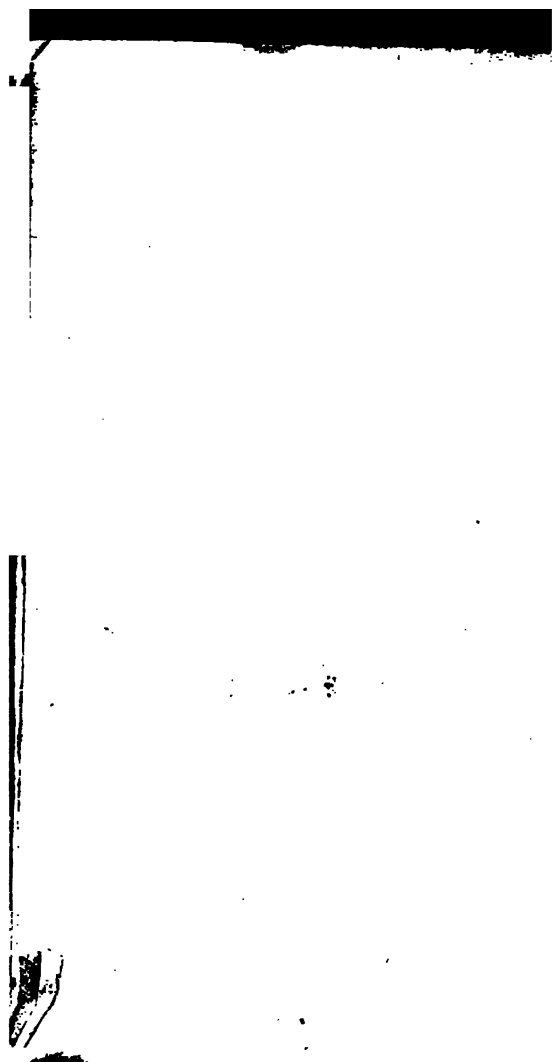
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CHARGES,
AND
EXTRACTS OF CHARGES,
ON
MORAL AND RELIGIOUS SUBJECTS ;
DELIVERED AT SUNDRY TIMES,
BY THE HONOURABLE
JACOB HUSH,
*President of the Third District of the Court of Common
Pleas and Quarter Sessions for the State of Pennsylvania.*

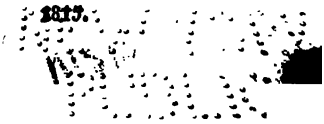
**With a Recommendation by the Reverend Clergy of the
Presbyterian Church in the City of Philadelphia.**

TO WHICH IS ANNEXED,
THE ACT OF THE LEGISLATURE OF THE STATE OF
PENNSYLVANIA, RESPECTING
VICE AND IMMORALITY.

LENOX, (Mass.)

PUBLISHED AND SOLD BY JOHN G. STANLEY.
A. Stoddard, Printer, Hudson.

1817.



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RECOMMENDATION.

THE following Charges and Addresses of Judge A., have not been published at his expense, nor by request. A number of gentlemen who had read some of them in the newspapers, were so much impressed, with the importance of the matter they contain, the forcible and perspicuous manner in which it is enunciated, as to engage them to take measures for publication of the whole, in a form that should be durable and more generally useful. With this view solicited the Judge to furnish them with a complete correct copy. He kindly complied with the solicitation—and this is all the agency or concern that he had in the business.

The printer, who has published this pamphlet at his risk, agreed to do it, on condition that the Subscribers would previously peruse it, and engage to give their recommendation of it to the public. They hope to eschew the charge of vanity or arrogance, in having fulfilled the condition prescribed.—They have read the pamphlet with attention, and do now cheerfully and cordially commend it, as a most valuable and reasonable publication. They think that it explains and enforces a number of moral and religious duties, in a manner that appear to many, at once, new, just and striking. They think it particularly and highly estimable, as it illustrates the connection between the principles of religion and those of social happiness to be necessary and soluble; and explains the extent to which our mutual laws enforce a regard to the laws of God. They are persuaded that it is well calculated to render every

(iv.)

person, who seriously and candidly reads it, both
ter Christian and a better citizen ; and therefore
sincerely wish that it may have an extensive circula

ASHBEL GREEN,
PHILIP MILLEDOLLE,
JACOB J. JANESWAY,
GEORGE C. POTTS,
JOHN BLAIR LINN.

Philadelphia, Jan. 4, 1803.

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CHARGES
ON
RELIGIOUS AND MORAL SUBJECTS.

**UPON HUMAN AND DIVINE LAWS,
AND THEIR CONSEQUENCES.**

[*DELIVERED AT READING, APRIL 4, 1796.*]

Gentlemen of the Grand Jury,

THERE is no position more evidently true, than that man is a free agent. If we consult what passes in our *own* bosoms, we shall plainly discover, that every step we take in life, is the *effect* of preference or choice ; and is the result, either of a momentary, or deliberate view of the object pursued.

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Upon the supposition of man's free agency, the laws of every country are founded, whether they afford redress for injuries by pecuniary compensation, or inflict punishment by way of example. In both cases, they take for granted that every *man* possesses such a degree of self-government, as to be able to regulate both his words and actions, so as to render justice to his fellow-creatures and to avoid every thing that may be injurious to their interests, or to their happiness.

Some theoretical writers have indeed said a great deal about *liberty* and *necessity*; and would fain persuade us that while we act *voluntarily*, we act *necessarily*. But such ingenious speculations answer no other purpose, than to display the acuteness of the human understanding; and may possibly *amuse* without doing mischief. The common sense of mankind, uncorrupted by ph

Upon Human and Divine Laws. 7

losophical jargon, hath uniformly borne the most decided testimony to the *fact*, that man is a rational being, and therefore accountable for his *actions*. In all ages and nations, both barbarous and civilized, the universal practice of punishing malefactors, leaves not the smallest room for doubt upon the subject. For, unless men are *free* agents, punishments of every kind, would be nothing but scenes of horrid injustice, and the most preposterous cruelty.

We shall then assume it as a position, not to be controverted, that *man* is a fit subject of moral government ; and therefore responsible at the bar of human and divine authority, for the abuse of his free agency.

Human laws are such as are made by mankind under different forms of government, to regulate their actions as *members of society*. Divine laws are



Jacob Tesinge

Book

1852
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tions of the *one*, and the unfeeling temper and brutality of the *other*. And yet at *human* tribunals, charged with an offence of the same kind, they both receive the same sentence, and expiate their *different* degrees of guilt, by undergoing precisely the *same* punishment.

Not so the violators of the divine law. Tried by these laws, "every nice offence will bear its proper comment." The struggles of virtue, overpowering by temptation, will be accurately distinguished from deliberate wickedness. The various degrees of guilt, from the *moment* of first cherishing the criminal thought, through all its stages, to the actual completion of the crime, will be ascertained with infinite wisdom. The scales of justice at *this* tribunal are poised by an unerring hand, and every transgression weighed in the most exact balance. Here are distinctly seen, as

meridian splendors, the various grades of vice, from the slightest *teint* of moral evil, through all its deepening shades, to the darkest hue of *black* premeditated guilt.

Our laws operate only on the *external* conduct, and do not reach the heart. As long as men give no proof of disaffection to human government, by some *overt* act, they have a right to be treated as good citizens and subjects, though in their *hearts*, they may be utterly opposed to it. The loyal and disloyal, the well-affected and the disaffected, under human governments, equally enjoy the *protection* of the laws, and sometimes share in the power and honors of a government, to which they bear the most inveterate enmity.

But the *divine* laws extend to the heart ; and as they are intended to make man *perfectly* virtuous, and not so by

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the halves, they require the subject of every emotion of the mind. They are designed to reform the *temper* well as to regulate our actions. Human laws are satisfied, if our conduct be decent. But the divine laws require us to correct, and subdue the passions that we may improve the heart. A person may be a very good subject of human laws, who is constantly transgressing the divine laws. Upon the school of the divine government, guilt is extracted, merely by *revolving in the* the violation of its laws. The covetous brooding over revenge—an assassin contemplating his midnight murder—robber projecting schemes of rapine and violence—and the adulterer planning the most successful stratagems to corrupt virgin innocence, may be equally and in *certain* circumstances, even more guilty, in the eye of the divine law than *others* who actually perpetrate crimes. Even human laws go so

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in many cases, as to punish the *intention* to injure or defraud ; as you may daily observe in our courts of justice. We cannot then, Gentlemen, wonder that the divine laws should go a little further and forbid our cherishing so much as a single *thought* that has a *tendency* to an immoral action. Certain it is, and we are informed by an authority which we are not permitted to controvert, that out of the *heart* proceed all manner of crimes. And it is for this reason, when the divine laws forbid any *action*, they are always understood to forbid *harboring* in the mind, all those *thoughts* that may lead to the commission of it ; for actions are in fact, nothing but our thoughts ripened into substance. In the sight of God, *thought* (or *will*) and *action* are the same. On all hands it must be acknowledged, that there cannot be a sounder interpretation of a law, which prohibits a *particular act*, than to construe it, as prohibiting also the *means*,

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or causes of it. Hence the Civilians tell us, it is the property of a good law, *non solum tollere vitia, sed etiam occasiones vitiorum*; that is, not only to prohibit crimes, but to prohibit also the causes of them.

Again—*Our* laws are often eluded. It sometimes happens, that they who transgress them are not discovered in *this* world. Or when detected, they are perhaps acquitted through ignorance, or perverseness. And even in case of conviction, they often escape punishment, through the false lenity, weakness, or partiality of rulers. What is still more deplorable, from the blindness or wickedness of human nature, the innocent are sometimes condemned in earthly tribunals, to experience that punishment, which the guilty alone ought to suffer.

It is scarcely necessary to add, by way of contrast here, that the adminis-

Upon Human and Divine Laws. 17

ration of the divine laws, being conducted by the omniscient Father of our spirits, must infallibly terminate in universal and complete justice, to *all* his creatures.

But if human and divine laws are in *some* respects different, it is not less certain, they agree in *others*. A very important particular in which they coincide, is the absolute *necessity* of their execution.

All laws, as we observed before, must have penalties ; otherwise they would be only *advice*, and not be obligatory commands of authority. They might be obeyed or not at pleasure, and would therefore be nugatory. Nay, they would be absurd in their very nature ; for if what is enjoined by the law be necessary for the public good, it should be complied with ; and it is highly proper that they who deserve it, should be made

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to feel the *bad* effects of transgressing them.


As laws without penalties, would be mere nullities, so they would be ridiculous scarecrows, if they were never executed. They would not excite the least fear, nor, of consequence, deter from disobedience, unless the execution was expected. No body would believe the rulers were in earnest, nor could expect the execution of the law, if the subjects saw them constantly dispensed with, and the offenders escape with impunity.

The design of a penalty, is to secure obedience to the precept, or command. We cannot suppose, that legislators annex penalties to their laws, to enjoy the savage pleasure of beholding the sufferings of the criminal. The execution of the penalty is essentially necessary to secure the government from contempt.

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to correct and restrain the offender, and thereby strike terror into others.

There cannot be a greater misapprehension, than that *justice*, in a good ruler, flows from a harsh or cruel disposition. The reverse is strictly true. It springs from an enlarged and benevolent regard to the *whole* society or nation, especially the virtuous, who can be protected in no *other* way, from the outrages of the wicked, than by the execution of the penalty. A judge without justice, and a ruler who does not enforce the execution of his laws, can be agreeable to none but criminals. Hence we observe, the *virtuous* part of mankind always approve the conduct of their rulers, in punishing malefactors. The happiness of the *whole society* is the great object a *wise ruler* steadily pursues in his administration; and this he well knows can be attained by no other means, than by maintaining the honor of



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the government, punishing the dis-
dient, and thereby deterring all o-
from transgressing the laws.

Although it be an undoubted truth
that God is the Father and Creator
of all his intelligent creatures, yet it
is less true, that he is our Sovereign
Law-giver ; and that in *this capacity*
he has prescribed certain laws for our
direction and conduct. As justice
is an essential attribute of the Deity, it is
totally inconceivable, how it can be
consistent with his character as a perfect and
right Moral Governor to connive at
a violation of his laws ; and to pass
offences with impunity. If the punishment
of *all* crimes, would produce universal
disorder in the governments on
the globe, who can tell what would be
the consequences in the infinitely extended
dominions of the great Ruler of the
universe, in case he should permit of-
fences to go unpunished ? It is highly


bable, from Revelation, that there are millions of intelligent beings, who constantly pry into the administration of the divine laws over the human race. Nor does it appear inconsistent with reason to suppose, that they may, among other motives of a *nobler* kind, be in *some* degree retained in obedience to their Creator, by observing the execution of his laws upon those of *our* race, who may be the miserable victims of his justice.

If kings and rulers of this world, may be influenced by a love of virtue and order in restraining the guilty, and thereby infusing terror into others, so as to prevent their falling into misery; it would surely be the most horrible blasphemy to insinuate, that God, the source and fountain of perfection, is guided by less benevolent motives in the execution of *his* law. Indeed, Gentlemen, the very idea of a government, in which there is no discrimination be-

pon Human and Divine Laws.

n the virtuous and the wicked, l
n those who obey the laws, a
e who obey them not, is pregn
a such absurdity, that the comm
se and practice of mankind have u
sally reprobated it. A soverei
it should make no distinction b
een the good and the bad, would so
ing his government into contemp
nd make it a theatre of disorder and
lence. Justice is an essential qual
n a first magistrate. Mingled wi
clemency, and exercised with wisdo
it consummates the character of a gr
and good ruler. If mercy were exte
ed to *all* criminals, justice would b
empty shadow. The dignity of the
would be prostrated, and the gov
ment become a scene of outrage and
ror.

There is then an absolute nec
for the execution of the laws, bo
man and divine; an universal rer



Upon Human and Divine Laws. 23

of offences under *any* government being *impracticable*, in the very nature of things.

But still it may be said, if laws cannot be so far dispensed with, as that *every body* may go unpunished, yet surely they, *at least*, may expect to be pardoned, who express a sincere sorrow for their offences.

Upon this ground the Deist, and the friends of Christianity are at issue. The Deist acknowledges the existence of a Supreme Being, the doctrine of future rewards and punishments, and force of moral obligations. That is, he owns there are such things as good and bad actions, and that it is wrong to swear, lie, cheat, rob, murder, &c. but says, where a man has done all, or any of these crimes, provided he is but *sincerely* sorry, it is sufficient. Let us spend a few moments in contemplating this question.

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Whether contrition, Gentlemen, for a crime be extorted by the fear of punishment, or be excited by the feelings of an *ingenuous temper*, can be known only to the Searcher of all hearts. In human governments appearances may deceive, while the heart is not the least touched. It therefore would be the height of absurdity, that sorrow should make atonement for offences, when we know not whether *that* sorrow be genuine or not.

But if contrition, allowing it to be *sincere*, for breaking the laws of *any* government be sufficient to avert the stroke of justice, it would be proper, in *such case*, for the ruler to apprise his subjects of it, by an open declaration "that whoever shall be guilty of any offence, he shall be pardoned if he does but *sincerely* repent." Now, who does not see that this would be giving licence to men to break the laws as often a

they pleased, and that *such* conduct, would overthrow every government human and divine ?

The only effect sorrow for a crime can ever produce, is reformation and a return to obedience. But this, in the very nature of things, can never be an atonement for *past offences* ; it may indeed prevent the commission of *more* crimes, but cannot be any satisfaction for those *already* perpetrated. A person who has plunged himself into debt, may be, and often is extremely sorry for it ; and possibly may avoid extravagance for the *future*. But surely, Gentlemen, this sorrow, and *subsequent* economy, will never pay off his *old* debts, or satisfy the demands of his creditors.

The utmost contrition that can be experienced is no compensation even for a private injury, much less for a public offence. In the case of a man rob-

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bed or murdered, whose wretched orphans are thrown upon the mercy of the world, will it be said, that the keenest pangs of sorrow the criminal can feel, will afford any satisfaction to the helpless children? Certainly not. The punishment of vice is a debt eternally due to public justice, which can be cancelled only by the *sufferings* of the offender, or an *equivalent* accepted by a sovereign whose laws are broken.*

In human governments the power of dispensing with the laws *in particular cases*, is universally acknowledged to arise from the weakness and imperfection of all human systems. It is properly remarked by Marquis Beccaria on crimes and punishments, that a *perfect legislation* excludes the idea of pardon-

* See Dr. Price's Sermons, pag. 252, that there is in vice an *intrinsic* demerit, which, *independently* of consequences, makes punishment *proper*.

g or suspending the stroke of justice : and as the divine laws must necessarily be perfect (being the result of infinite wisdom) it clearly follows, there can be no such thing as a *complete* and *total* remission of the penalty where they are broken. Either the offender himself must suffer the penalty, or some other person as a *substitute* ; and there can be no reason why a sovereign may not accept the *vicarious* sufferings of a substitute, provided the infliction of the punishment upon *him* will answer the great end of public justice, support the rights of government, and deter others from disobedience to the law.

Both human and divine laws constantly require *suffering* as the only atonement for transgressing them. The ideas of *guilt* and *suffering* are indissolubly associated in the human heart. The practice of all nations corroborates the reasoning now advanced ; for in all ages

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and countries, mankind have had recourse to sacrifices in order to appease the Deity by the vicarious suffering and blood of victims—an unequivocal proof that the voice of nature has uniformly demanded *sufferings* as the proper atonement of guilt, and that sorrow *alone* is not a sufficient expiation.

From these observations we apprehend, that so far is the light of nature from teaching, that remission of punishment is the necessary consequence of repentance, that it teaches the contrary. This pillar of Deism must therefore fall to the ground. Infidelity can only be supported in two ways—one is by asserting that there is no such thing as moral obligation; which no Deist hardy enough to do—the other is, by proving that sorrow for the violation of a law, is a *sufficient* atonement, and that this is discoverable by the light of nature; which we hesitate not to say

utterly impossible, because repugnant to
ruth, reason, and the plain dictates of
common sense.

Revelation therefore is necessary to
shew on what terms the Deity will par-
don the violation of his laws.

But it has been said, the Christian
religion cannot be *this* revelation, be-
cause, in *some* things it is unintelligible
and incomprehensible.

It is so, Gentlemen : and were it not
so, it would be unlike all the other
works of the Deity, and for that *reason*
only, ought to be rejected as a mere hu-
man fabrication. Tell me, thou vain
pretender to reason and philosophy !—
how yonder sun has continued for thou-
sands of years to pour forth such stu-
pendous floods of light without any per-
ceptible diminution ? or how its rays,
darting with a velocity exceeding the

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motion of a cannon ball, can meet
eye without the smallest pain or
ry? Tell me, why the purple st
that flows in thy veins, not onl
scends, but ascends, contrary to al
laws of motion? Tell me, wh
magnetic needle points to the p
and develope if thou canst, the c
of its variation? Tell me by what
spun cords thy invisible spirit is u
to matter, and how thy beating hea
gan its vital motion?—Tell me

Why the *good man's* share
In life is *gall* and *bitterness* of soul?
Why the lone *widow* and her *orphans*, pine
In starving solicitude?

Why heav'n-born truth
And moderation fair, wear the red marks
Of superstition's scourge? THOMSON

Explain to me these, and ten t
sand other mysteries that exist in
books of nature and providence,

then will I also explain to you the mysteries in the volume of Revelation.—How preposterous and irrational, while the voice of nature proclaims aloud that the Deity is incomprehensible, and we daily see that in all his works and ways he is equally so, to expect that a revelation *concerning God himself*, the Creator of all things, should *not* contain mysterious truths, infinitely above human reason !

I am sensible, Gentlemen, that reflections of this sort are unusual in an address to a Grand Jury. But I am equally sensible it is the duty of *every man*, according to his abilities and station, to stem the torrent of infidelity which threatens to deluge our country. *Christianity*, we are told by our law books, is *part* of the *law* of the *land*, and as such, a judge may at *any time*, without stepping aside from the path of duty, illustrate its precepts and enforce

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its evidences. It must therefore be particularly incumbent on him at *this time* when Deism is daily venting itself in ambiguous hints or sneers, or openly attacking religion with shallow argument. To the native growth of infidelity among us, it is more than possible, augmentations may have been made, in consequence of our admiration of a certain great nation in Europe; more especially as a member of the late convention in that country (generally supposed to have been actuated by an uncommon zeal for "the rights of man,") availing himself of his literary reputation, has, by an attempt to overthrow all religion, indirectly endeavored to justify their blasphemous measures to extirpate it. It is really astonishing, Gentlemen, that a man who calls himself a patriot, should strive to undermine religion, the *only foundation* of government and morality. The penetrating genius of Montesquieu taught him to entertain sentiments ver

different from those of the "Age of Reason." Having compared the effects on society, produced by different religions, and examined them *merely* in a political light, what is the decision? "The principles of Christianity," says he "deeply engraved on the heart, would be infinitely more powerful than the false honor of monarchies, the human virtues of republics, or the servile fear of despotic states." The vast comprehensive mind of the great Bacon, saw the subject in the same point of view. "There never was found," says this profound philosopher, "in any age of the world, either philosophy or sect, or religion, or law, or discipline, which did so highly exalt the public good, as the *Christian faith*."

I have already, Gentlemen, consumed more time than I intended, and shall therefore instantly close with a single observation.

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If the great duties of truth and justice, and the purest precepts of equity; if the most exalted benevolence and unbounded humanity; if simplicity, candour, meekness, magnanimity, gentleness, and forgiveness of injuries; if a native tendency to improve the world, and diffuse peace, order and harmony among mankind, and are *strictly required* by the Christian religion, as *indispensable conditions* of obtaining the favour of the Deity; what must we think of the writer who has exerted his influence to *lessen* our motives, or *enfeeble* our obligations to the practice of these beneficent and godlike virtues.

Save us, gracious Heaven, from the passions of party, and the extension of their pernicious principles among us!

THE NATURE OF AN OATH STATED
AND EXPLAINED.

[DELIVERED AT EASTON, AUGUST 8, 1796.]

Gentlemen of the Grand Jury,

AS we are constantly employed in the administration of oaths, and every person is liable to be called upon to swear before some competent authority, it cannot be deemed improper, in this place, to address a few observations to you, upon the nature and importance of an *oath*. This is the more requisite, from the danger, that every idea, with respect to the solemnity of an oath, is likely to be obliterated from the mind by the *indecent* manner in which they are daily uttered in familiar conversa-

36 *The nature of an Oath.*

tion, and the almost equally inde manner in which they are frequently *ministered* in the ordinary course of tice.

An oath, Gentlemen, is a very ous transaction, and may be defi
“ A solemn appeal to God for the t
of the facts asserted by the witn
with an imprecation of the divine
tice upon him, if the facts which h
lates are false, or, in the case of a
missory oath, if the party doth not
fill his engagement.”

We perceive from this definit
that oaths are of two kinds; asse
and promissory. The former incl
the testimony given by witnesses,
in general all matters of fact are asse
or related upon oath. Promissory c
are those taken by officers of gov
ment, all oaths of allegiance and pro

tion, and likewise the oaths you have severally taken as Grand Jury-men.

The use of oaths, as a means of ascertaining the truth, it is impossible to trace to their origin. They have prevailed in different ages and countries, as far back as historical information can carry us, and are in fact as old as the creation. Abraham and Abimileck ratified their covenant by the solemnity of mutual oaths, as did also Jacob and Laban ; in which cases we observe, that Abraham and Jacob received the oaths of Abimileck and Laban, though they swore by *false* gods, which are acknowledged by modern writers to be binding, provided the party believes in the existence of *one* God the creator of all things. Swearing by inferior deities in such case is considered as a mode of appealing through them to the Supreme Being ; agreeably to the declaration of our Saviour, “ He that

swareth by the throne of God, s
 eth by him who sitteth thereon ; an
 that swareth by the temple, s
 eth by him who inhabits the sa
 Through the inferior objects, the
 peal is made, and terminated
 solemn invocation of the God
 gods.

If we suppose the institution
 oath to be of divine origin, yet th
 no doubt, that human authority is
 petent to establish those forms of s
 ing that are most calculated to
 with religious awe and veneration.
 cordingly the forms of swearing va
 different countries. But in one
 all ages and countries have unifo
 concurred ; namely, that oaths a
 be administered to all persons ac
 ing to *their* opinion, and in such
 as most affects *their* consciences.

In the Old Testament we find Abraham calling upon his servant to swear, and requiring him to place his right hand under Abraham's thigh, while he repeated the words of the oath to him ; and Jacob used the same ceremony when he made his son Joseph swear he would not bury him in Egypt.

The professors of the Gentoo religion in India, when they take an oath, fall prostrate before the Bramin or priest, and lay the right hand upon the Bramin's foot ; and an oath of this kind has been admitted to be *legal* evidence in England, because the Gentoos profess a belief in *one* God, the creator and governor of all things.

A Mahometan swears upon the Alcoran, and places his right hand *flat* upon it, and his left hand upon his forehead. In this posture he looks steadily a few minutes at the Alcoran ; and

by this ceremony, he conceives himself bound to speak the truth.

A Jew is sworn upon the five of Moses, upon which he lays his hand.

The general form in use among Christians, is to lay the right hand upon the Bible, or the New Testament and to kiss it. The ceremony of laying the hand upon the book, is undoubtedly of *Pagan* origin, and was introduced among the primitive Christians from the example of the heathens, who were accustomed to swear in the presence of their false gods, and sometimes literally touching, or laying the hand upon the sacred utensils of their superstition. The mode appeared solemn and affecting to the Christians; and before the presence of the Bible they swore, was substituted in the place of the false gods of the Pagan

is produced as a sacred memento of the religious obligations they were under to speak the truth. Hence we find some of them swore with the hand laid on the Bible—some with the Bible read open before them—some by laying their hand upon the breast, others with the hand stretched out, or lifted towards Heaven ; but always with the sacred book in their immediate presence and sight. The insatiable spirit of superstition which finally terminated in the establishment of Popery, and at that time made considerable progress in the Christian church ; and to this spirit we must ascribe the circumstance of kissing the book, and the expressions we sometimes meet with in ancient writers “ So help me God and his saints,” which last words, viz. and his saints,” have been omitted by the Protestants ; though they still retain the former, and the ceremony of kissing the book.

Thus we see the mode of swearing among us, is partly of Pagan, and partly of Popish extraction. Among the early Christians, great latitude was admitted with respect to the form of swearing; nor does it appear that any mode whatever was prescribed; and that every person made use of the form most agreeable to his conscience. Even in the reign of Charles the Second in England, we meet with an instance of a Doctor Owen, Vice-Chancellor of Oxford, who being summoned as a witness, refused to be sworn by laying his hand upon the Bible and kissing it; but he caused the book to be held open before him, with his right hand lifted up towards Heaven, and was sworn in that form. The jury conceiving some doubts, whether he served as much credit as a witness sworn in the common form, put the question to the court. The chief justice, with the utmost liberality, told them, that the doctor had taken

strong an oath, as any other witness, and was as much entitled to belief; but added, if he himself was to be sworn, he would lay his right hand upon the book.

These, and many other forms of swearing, have been made use of in the world. But an oath does not consist merely in form. It consists in something more than laying the hand upon the Bible, kissing it, looking at it, or having it placed in our sight with the hand held up or stretched out. These are so many shadows, and alter not the nature of the transaction. It is the solemn appeal to God; it is engaging to speak the truth, and calling upon him to witness our sincerity, that constitute the oath and obligation. If this be done, it is immaterial whether any, or what form be used. Whether the witness kiss the book, or lay his hand upon it, or whether he does neither, he is equally bound to speak the

truth ; and if he does not, he is guilty of perjury. But though oaths are obligatory in all religions, however distinct the views they exhibit of God and his attributes, yet is their force peculiarly binding in Christian countries because the sanction of rewards and punishments is more fully revealed in the Christian religion, and consequently the degree of guilt in transgressing the rules of moral duty, must be greater.

But can this appeal be made by every body ? Can this security for speaking the truth be given by every one ? Certainly, Gentlemen, it cannot.

It is impossible this appeal should be made, or this security given, by those who do not believe in *one God* as the creator and governor of the world. A Turk or Indian believing *this*, may be a witness, and a Christian renouncing the belief of it, or through ignorance unacquainted with it, is utterly in

of being sworn in our courts of justice. The ties of religion can have no effect upon a mind, in which no idea of religion can be found, and there can be no religion if you take away a belief in the *existence* of a God, because it is the foundation of *all* religion. Upon this ground, Lord Kenyon, the present Chief Justice of England, rejected a person incompetent to give evidence, who knew nothing of the obligations of an oath, of a future state of rewards and punishments, had never learned his catechism, and only heard there was a God, and that those who told lies would go to the gallows. A person disavowing a belief of these principles, stands in the same predicament with one who is entirely ignorant of them, and consequently cannot be a witness.

If the obligation of an oath depends wholly upon the sense and belief of a party; that he abhors falsehood, and

will punish perjury ; and if so necessary for the maintenance of and justice among men ; it declares, that a belief in the existence of God, is necessary for the support of civil society. Every thing that tends to unhinge our belief of an important principle, must be rejected by all good men ; because it tends to weaken the security of an oath. Lord Mansfield has asserted, that no person will venture to deny, “ that a country can subsist a twelvemonth without an oath, which an oath is not thought binding for the want of it (he adds) must necessarily dissolve society.” When we therefore relaxes the religious sanction upon which an oath is founded, it is dangerous to society ; because it lessens the restraint which the belief of that sacred principle imposes upon the human

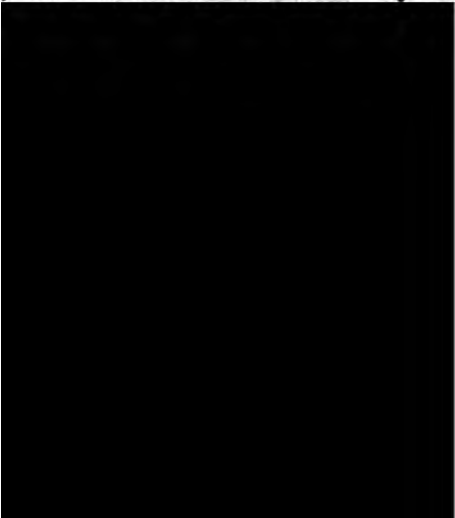
It is with perjury as with all crimes—there are certain paths that lead to it ; and there are some persons

may never arrive at the commission of this horrid crime, yet there is reason to fear, by their practices and example, they may be the means of others falling into it. One deviation from moral rectitude necessarily leads to another. He who has robbed his neighbour, will not hesitate to deny it with a lie or an oath, if such a denial may be the means of his acquittal. Drunkenness is often the foundation of quarrels, which not unfrequently end in murder or manslaughter.

The two vices that more immediately lead to perjury, are the infamous habits of lying and swearing in common conversation. With respect to the person who has been accustomed to disregard truth in the ordinary occurrences of life, besides the pernicious example he sets to others, it is much more likely *he* should fall into the crime of perjury, than the man who is distinguished for strict veracity in his conversation. As

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the impious vice of common swearing, to say the least of it, it is so absurd in itself, that nothing can possibly exceed the guilt, unless it be the first of it. And were it not that it becomes criminal when viewed in its consequences upon civil society, would deserve to be mentioned only to be despised. It is indeed to be lamented that so many persons of rank and good sense are addicted to it. They li



wear in a court, would scrupulously adhere to the truth, yet are they, by the force of their example, doing infinite mischief, by inducing others to treat with contempt the name of the Deity, who perhaps may not be restrained from perjury by the advantages of a good education, and better reflection, which their superiors may have enjoyed. It is indeed a self-evident proposition, that a habitual profanation of the name of God, by the familiar use of oaths and curses in common conversation, must very much tend to lessen that awe and reverence of the Supreme Being, which is one of the strongest guards against perjury; and consequently be in a high degree, injurious to society. It is for this reason our laws have endeavoured to restrain common swearing, and have made it an offence punishable by a magistrate. Such however is the unfortunate predominance of custom, that the law is seldom put in execution: and this in fact will be always the case, while

men of influence, in elevated station lead the way in the violation of the law. Their example, like a torrent, sweeps away all before it ; and the law is to be silently repealed, by the rank and character and the number of the offenders.

Let the pretensions of a person be what they may, if he conducts himself in any manner injurious to his country, and forbidden by the law, he is at best but a *pretender* to the character of a good citizen. His actions speak louder than his words, and mark him out as the decided enemy of social order and public happiness. "By their fruits shall ye know them"—is not less applicable when applied to detect the pretensions of patriotism, than the hypocrite in religion. The man who, by his practices, is constantly infringing the laws of order, and spreading corruption through the moral world, contravenes his utmost efforts to involve every

anarchy and ruin ; and whatever may be the language of his lips, with his actions he is stabbing his country to the heart.

I observed, Gentlemen, that some oaths are called promissory ; such are oaths of office, and some others.—This mode of exacting the performance of a trust, by the additional security of an oath, is universally practised by all civilized nations ; and though by our law the punishment of perjury cannot be inflicted for the violation of such engagement, yet it may be prosecuted as a misdemeanor ; and in the sight of God the guilt is equal to the case of perjury, where facts are misrepresented or concealed. In the eye of reason there can be no difference between a person's swearing to a fact that never existed, and swearing that he will perform a particular act, and *wilfully* omitting it ; or swearing that he will *not* perform a particular act, and afterwards *deliberately*

doing it. There are doubtless different degrees of malignity attending the crime of perjury, as well as all other crimes. Yet I cannot avoid remarking that perjury in case of violated promises, may be, and frequently is, a more aggravated and detestable crime than even swearing to a direct falsehood, because it is accompanied with a perfidious breach of trust. In the case of marriage, for example, which is generally understood to be a contract, fortified with the solemnities of an oath, scarcely any guilt can exceed the violation of it. It is a cruel breach of trust, coupled with perjury ; and tends directly to destroy the peace of families, and to tear up the very foundation of society. Contracts and oaths must have *some* meaning ; but if the inconvenience of executing them, or mere whim and pleasure, be admitted as an excuse for the breach of them, then farewell, Gentlemen, to all honour and honesty. If *one* of the parties be discharged, the *other* cannot remain

bound. The consequence of both parties being released from obligations, whenever either party shall feel, or *fancy* he feels, an inconvenience from adhering to his contract, must be this—that every person will be at liberty to rescind his solemn compact whenever he pleases. A doctrine pregnant with the most horrid confusion, and the entire subversion of society.

The true criterion or standard of any action whatever, is this : What would be the result to society if every other person did the same thing ? In this scale a man may weigh his actions with the utmost nicety ; by this rule he may measure the innocence or criminality of every step he takes in life. Suppose, for example, *all* persons were to abandon themselves to adulterous courses ; or suppose an universal and unrestrained intercourse to take place between the sexes ; in either of these cases, such

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an universal depravity of morals ensue, as must utterly destroy s

Every single act therefore, com in either of these supposed cases be unlawful. If *one* man has a r be his own avenger, every other must have the same right. But men were to execute their own re desolation, rapine and murder quickly overspread the land. single act of revenge, therefore, terly repugnant to social obligatio

From the consequences of any being injurious to the public wel universally practised, we infer, t ery *single action* of the same kind scription, is criminal. The ru hold good when applied to lying ing, drunkenness, and every othe For if *one* man has a right to st tell a lie, to get drunk, or to viol solemn promises as often as he p so has every other man. But if c

were to give in to these practices, society must be annihilated ; for it could not possibly exist, if it were entirely composed of such infamous wretches. In the one case, there would be no such thing as property ; in the other, no truth, or dependence of one man upon the words of another ; and in the third, viz. a society composed of drunkards, universal wretchedness must be the inevitable consequence.

From these observations, Gentlemen, we cannot but perceive the destructive tendency of vice, in its *very nature* ; and how utterly incompatible it is with the interests of society. It is at the same time agreeable to remark, the coincidence, the perfect harmony, between the precepts of heaven, and the necessary consequences of human actions.

The laws of God forbid the indulgence of our passions only in such cases, where their gratification would be injurious to

ourselves or our neighbours, and enjoy the performance of all those duties which are calculated to improve the heart, promote the welfare of others. Christian religion is in fact the substantial basis of morality, and consequently, of order and good government.

Of this heaven-born religion, it is a peculiar characteristic, that while obedience to its commands constitutes the highest felicity of the individual, practice of its benevolent precepts, at the same time, the firmest foundation of social happiness, and public prosperity. In the elegant language of Isaiah I writ, "her ways are ways of pleasantness, and all her paths are peace," &c. in this world. "Righteousness exalteth a nation ; (that is, makes it flourish) but sin is a reproach to any people ;" by slow, but sure steps, under any form of government, inevitably leads to national misery and destruction.


EXTRACTS FROM A CHARGE ON PATRIOTISM.

[*DELIVERED BEFORE THE GRAND JURY IN NORTH-AMPTON COUNTY, APRIL, 1799.*]

IT cannot then be denied, that the public prosperity of our land, depends upon the virtue of the people, and that the practice of vice, like a cancer in the natural body, will at last extend itself to the vitals of the country, and cut off our national existence. If this be the case, we may safely assert, that no man loves his country, who lives in the habitual violation of any rule in her moral code ; because by so doing he contributes his aid to accomplish her destruction. He may call himself a federalist, or an anti-federalist—a republican, or a democrat—or whatever else he

pleases ; it is certain he is but a tender to the character of a patriot is impossible *he* can love his country whose life and actions are hostile to true interests. Party and personal judices he may possess in abundance which, to the world, and perhaps himself, he may cover with the name of zeal for the public good. But love of his country is a stranger to his heart. Examine for a moment, gentlemen, the force of this observation by your own experience in private life. Suppose one of your neighbours to profess a regard and affection for you at the same time to make a practice of thwarting your views, and defeating plans you had laid to promote your happiness or your interest. There is no doubt you would despise his professions and call him a hypocrite. Nor could you be pronounced any thing better. He tells you he loves his country, and at the same time habitually infringing laws on which her salvation and

perity essentially depend. Away with such patriotism. It is "Hail Master!" with the lips, and at the same instant a stab to the heart. I call *that* man a disorganizer, let his political principles be what they may, who is spreading through the moral world the seeds of disorder and vice, and thereby sapping the foundation of *all* government. Our country may well expostulate with the immoral man in language used of old time; "If you love me, you will keep my commandments: Ye are my friends, if ye do whatsoever I command you." In short, Gentlemen, as in Christianity, so it is in patriotism—Obedience is the unerring criterion, the sole decisive mark of affection. If you really love your country, you will observe her laws and her statutes which are framed to promote and to perpetuate her welfare. Believe, and forgive me—a gambling, lying, drunken or swearing patriot, is as great a contradiction, as a whoring, swearing or drunken Christian; though



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in the practical estimation of the characters, mankind have made a difference. The hypocritical professions of the patriot are too often successfully played off, while those of the pretended Christian are sure to exclude him from the character. When we urge the necessity of supporting government by means of religion, something more is expected than a cold assent to its principles and doctrines.

*Hen. Virtus laudatur et alget.**

If the public institutions, established for the purpose of impressing the precepts of religion, are deserted and neglected, it is the height of folly to expect government will derive advantage from any system of religion whatever, it being evidently impossible that there should be such a thing as religion in the world, without *some* forms of public worship, and the solemn acknowledgment of the Deity and his controlling providence, in our social capacity.

* *Probitas*—Juvenal.

What shall we say then of those persons who, by their language or their example, discourage the religious institutions of our country? It is impossible to rank them in the class of patriots, or friends to social order. As to those who openly go about to abolish *all* religion, there can be no doubt the tendency, if not the very object of their labours, is universal anarchy and misery: In neglecting its institutions, they act perfectly in character. But the well-wishers of government among us, are in this respect peculiarly reprehensible. Like false and inadequate props, they overturn the very building they mean to support. They weakly attempt to accomplish the end, without making use of the requisite means, and act a part altogether inconsistent and irrational.

It is readily acknowledged that immoral men often render essential service to their country. Some of the most worthless and profligate of the human

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race, have been the honoured instruments in the hands of Providence procuring the greatest national blessings. Henry the Eighth, and the Duke of Marlborough, contributed eminently by their actions to the glory and preservation of the English nation ; but nobody ever supposed they were induced by a love of their country. Can a promotion, or the whistling of a trumpet, have given birth to the greatest actions recorded in history. What do you think of a man who, in the view of conferring a favour on an acquaintance, should inflict the most cruel wounds on his person ? Would you believe he had any affection for your ordered friend ? You certainly would not. Just so much true patriotism has a man, who, by his vices, is daily doing through society the most malignant poison, and at the same time, from pride or some other motive, perfectly compatible with a heart dead to every sentiment of public virtue, is occasion-

performing an act which redounds to his country's welfare.

The true notion of patriotism, is a principle of obedience to the laws of God, and of our country, manifesting itself in the discharge of our religious, moral, and social duties. This is substantial patriotism, within the reach of every man, high and low, rich and poor, and that does not evaporate in empty noise about the Rights of Man, or the Virtue of Federalism. It is the sort of patriotism we stand in need of at this critical juncture. A country overrun with moral disorders, cannot be long exempt from political paroxisms of convulsive and fatal tendency. Groundless and futile are the apprehensions entertained by some persons, to the cause of liberty from our rulers, who, deriving their existence from popular election, the instant their oppressive hand is felt by the people, that instant they will remove it, with the same facility that the

“Lion shakes the dew-drop
mane.” The only real sou-
ger to our country, arises from
the conduct of the *people themselves*;
the alarming progress of infidelity,
the decay of morals among
truth established on uniform
that where the manners of a
repugnant to the execution of
arm of legislative power has
too feeble to enforce it. In
this observation, I may apply
detestable practice of commerce
which keeps its ground in violation
the laws of the land, and to
principle of religion, decency and
Read over, if you please,
Pennsylvania, for the sup-
vice and immorality; and in-
dred to one, but the first con-
wards you enter, especially
tavern, will not extort the
reflection, that the laws of
a perfect satire on the moral
ple. Vain, and worse than

laws for the preservation of government, if the people are too debauched and corrupt to execute them. If we are in earnest in our wishes to save our country, we must therefore begin by a reformation of her morals. We must make good the tree, if we expect good fruit from it. In a representative government, no truth can be more important or self-evident than this. Let us then, Gentlemen, in our several stations, encourage virtue and discourage vice in others. In an especial manner, persons of authority and influence, should promote the cause of good morals. Every individual should discharge his duty, as a part of the grand community, with a view to the production of the public good, and general happiness.

Above all things, Gentlemen, the principles of Christianity should be cherished, and its religious institutions be encouraged by every man who wishes

well to his country. A government ours, floating on the precarious tide of public opinion, can be held secure by nothing else, but the principles of religion; and if it be once driven from anchor, by the storms of irreligion and licentiousness, it will quickly be overwhelmed by the waves of popular passion and violence. Well might the Marquis de Montesquieu, speaking of Christianity and the transcendent excellence of its moral code, exclaim with rapture, “admirable is that religion, which, when it seems only to have in view the felicity of the *other* world, constitutes the happiness of *this*!” The precepts of this religion, which teach us to be dutiful in our several stations---to govern our passions---to be obedient to our superiors and rulers---to do good to all men, and whose very essence is peace and good will to men---the precepts of this religion, *reduced to practice*, will soon change the face of our affairs. Our country would become a band of p

ots---order would arise from a state of confusion---harmony take the place of discord, and the blessings of a mild and peaceful government be diffused through every part of our nation and land.

UPON THE INSTITUTION OF THE
SABBATH.

[DELIVERED BEFORE THE GRAND JURY OF LU-
ZERNE COUNTRY, AUGUST, 1800.]

Gentlemen of the Grand Jury,

RELIGION and government are the two great and important topics, that have employed the thoughts, and divided the opinions of the wise in every age and country. Strongly connected and blended as they are with each other, involving, at the same time, our most invaluable interests, both here and hereafter, it cannot be deemed sur-

prising, that the utmost efforts of the human understanding should be called forth, in the investigation of subjects of such momentous concern. Religion is essential to the happiness of man ; and government was designed by the great Author of our existence, to be the means of enabling us to obtain a higher degree of happiness. Every law, or social regulation, so far as it has a tendency to defeat the purposes of religion and morality, is therefore so far subversive of the end for which government was instituted. How far the establishment of religion, in general, or any particular system and forms of religion, may be compatible with policy or the rights of private judgment, is a question not now to be discussed. Happily, the utmost liberality of sentiment has always prevailed in Pennsylvania. The laws tolerate every religious sect, in the greatest latitude without granting exclusive privileges to any. One position may however be

ely assumed ; namely, that every legislature is under indispensable obligations, to extend the influence of virtue, discountenance all those vices that are forbidden by the precepts of religion, and which at the same time, are pernicious to society. Strictly speaking, there is no such thing as an offence against religion, known to the laws of the country. It is only because certain acts disturb, or have a tendency to disturb the peace and moral order of the community, that they are punishable by human tribunals. Although the law punishes murder, theft, blasphemy, swearing, and other crimes, yet it does not punish them as violations of the divine law. The act of April, 1794, for the prevention of vice and immorality, gambling and disorderly sports, which also restrain unnecessary labour on the *first* day of the week, is entirely silent with respect to religion ; and the word *religion* is not

to be found in the act from beginning to end. The legislature have viewed the subject in connexion with its moral consequences, and have proceeded on grounds and considerations secular. The all powerful Deity infinitely able to punish the transgression of his own laws, and to maintain the rights and dignity of his moral government. Our laws look no farther than overt acts, and consider *their tendency to subvert the peace and happiness of society*, as the sole rule of estimating the merit of actions, and the only standard of legal punishment.

With good reason the ablest legislators have endeavored to frame laws and constitutions on the basis of religion; well knowing the pre-eminence religious sentiments have had over the human mind. Man has been not improperly defined *animal religiosum*; because religion of every kind is essential to his make, a

parable from his nature. Even the most absurd superstitions, and extravagant ideas of the government of the world, by invisible beings, are infinitely more favorable to human happiness, than downright Atheism ; for a false religion is universally acknowledged to be better than none.

Actuated by similar views, and pursuing the same laudable policy that has influenced other rulers, the legislature of our state, by forbidding all unnecessary labour on the first day of the week, have wisely called to the aid of government, one of the most important institutions of the Christian religion. The law containing this clause, is, in my opinion, one of the most salutary in the book of our statutes. Its object, as the title imports, is to prevent that inundation of vice and immorality, that proved the bane and ruin of thousands of individuals ; the scourge of nations, and bottomless gulph in which all the

vast empires that ever existed, been finally swallowed up.

To prevent this dismal catastrophe to our country, the law just mentioned besides interdicting labour on the day of the week, and so far adding the precept of Christianity, has the same motive of public good, and its prohibitions and its penalties against duelling, blasphemy, drunkenness, gambling and many of the destructive habits, in which it is known the most irregular and vicious part of the people, generally in America. A law thus beneficial in its effects, the palladium of public virtue—the bulwark of government, deserves the most attentive consideration of every citizen. It is a public law of the land, of the greatest importance and universal concernment. It is therefore apprehended that an explanation of the various provisions of it, as arranged in the law, will not be deemed improper in a court, where

cumbent duty it is, to watch over the morals of the people ; and to enforce, by every argument in their power, entire and unreserved obedience to the *best* laws of our country.

The first section in the law, and upon which I mean now to address you, is, that which prohibits all worldly employment or business on Sunday, except works of necessity and charity ; and forbids, without any exception, all gaming, hunting, shooting, and other sports and diversions whatsoever.

But it may be asked, why are the hands of industry thus bound up ; why are the people restrained from labor, upon every seventh day ?

Very good reasons, Gentlemen, may be assigned for it ; otherwise the wisdom of the MOST HIGH would not have enjoined it, at the creation of man ; afterwards made it a part of the decalogue

to the Jews, and finally continued under the Christian dispensation.

The gradual exercise of Almighty Power, by which this world was created in the space of six days, was, no doubt, intended as an instinctive lesson to intelligent beings that were destined to inhabit it. Upon the *seventh* day, as we are told, the Deity ceased from his labours ; and directed his creature ever after, to consecrate it as a *DAY*, in honor of creation ; thereby to commemorate the glorious event. It is not possible to conceive, that any means could be devised more likely to impress the idea, that the world was the work of an Almighty Hand, than instituting a *certain* day, to be kept in memory of it. It is therefore, reasonable to believe, this was *one* end proposed by the institution of the Sabbath. At the same time, it had a direct tendency to banish the extravagant notion of the eternity of the world, and to

against the idolatry of the sun, moon, and stars ; to which, we know, mankind have been extremely prone in every age and nation. The dispute concerning the origin of the earth, which so much perplexed and bewildered the heathen philosophers, is solved in a moment, by the sublime declaration of the Jewish legislator—" God said, *let there be light* and there *was* light."

With respect to the septenary division of time, it is worthy of remark, that it prevailed in the earliest ages, and was observed not only by the Jews, but by the more ancient Egyptians ; among whom it was the constant usage to divide the week into *seven* days. It is (I think) totally impossible to account for this division of time, and its prevalence in the most remote and dark ages of antiquity, on any other supposition, than its being instituted in honor of creation, and handed down by tradition, through successive generations of men.

It is the attribute of wisdom, to portion the means to the end ; and the character of Infinite Wisdom, in the moral and natural world, to render all his operations subservient to production of the greatest possible good. Man is a compound being, consisting of both soul and body, and the interests of both to provide for institution of the Sabbath has, therefore, a two-fold aspect ; it has reference to his *present* as well as his *future* of existence. . It is designed and calculated to promote his happiness and to secure it *hereafter*. Abstinence from worldly employment, in connection with that religious worship must be observed. The reason explicitly given why man should rest from his labor every seventh day, is, that he may have leisure from the noise and bustle of the world, for devout contemplations ; for acquiring those habits of piety without which, all hopes of future

city, are entirely fallacious. It is in the highest degree irrational to imagine, that religion consists in a few acts, or in the cold performance of an occasional duty. To the understanding and good sense of every man, it is evident, that religion is a settled disposition—a habit—a temper—an entire devotion of the heart, to please that Being, whom it is our highest interest to please and to obey. But I would ask, can this disposition, this habit be acquired, without the use of stated means, and the most vigorous exertions? The lawyer, the physician, and the mechanic, are trained for years, before they attain the knowledge, or are qualified for the exercise of their different professions. And every body knows, or ought to know, that attainments in virtue are not made without constant discipline, and unremitting efforts. Considering the depravity of the human heart, there can be little doubt, that if certain periods

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to advance the *temporal*, as well as
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This will appear evident from
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to the laws of heaven, will procure
happiness beyond the grave. Here

they are taught, that the design of the great Author of Christianity, is to inspire men with mild and peaceable dispositions, and with an utter abhorrence of every species of fraud, falsehood, cruelty and injustice. Here they are taught, that without holiness, and the strictest morality, and universal benevolence, future felicity is absolutely unattainable. Here they are taught to regulate their intercourse with the world, to exhibit gentleness and courtesy to all men; not from a vain desire of gaining the approbation of the noble view of acquiring popularity, but as the means of cultivating that affectionate and brotherly spirit, which is represented in Scripture, as the most decisive evidence of love and obedience to the great Parent of the universe. Here is inculcated the practice of the most eminently Christian virtues, namely, charity, and forgiveness, as the indispensable condition of obtaining forgiveness. And can there

doubt, that the public delivery, and frequent inculcation of precepts so sublime and benevolent, must have the happiest effect in correcting the manners and mending the heart, and thus powerfully contribute to maintain the cause of virtue and order, and the general interests of society? Deeply immersed as the bulk of mankind are, in the laborious employments of life, it cannot be expected they should have it in their power to devote much of their time to the acquisition of religious knowledge. How admirably adapted then is the institution of the Sabbath, to the condition of the poor and industrious classes in society! the main design of which is to dispense, at stated periods, instruction to those, who seem to have no other means and opportunity of attaining it.

Even in the *portion* of time allotted for religious exercises, there is the evi-

On the Sabbath.

ice of consummate wisdom, and bounded knowledge of the human mind. If *less* than a *seventh* part were allotted, there is reason to believe it would not have produced the slightest effect, either upon the heart or the intellect. The interval would have been too short, and every advantageous impression would have been effaced from the mind. From experience also we are taught, that after six days of unrelenting toil and drudgery, the body stands in need of rest, and acquires fresh vigor and elasticity.

On the other hand, if a *third* or *half* part had been allotted, besides rendering men extremely speculative, and detaching them *too much* from the realities of the world, it would have left little time for the laborious occupation of a creature, who is compelled to the sweat of his brow, and to the provision for the continual wants of his helpless and needy offspring.

These loose and general observations on the use and design of the Sabbath, the advantages resulting from the institution, both to the *temporal* and *eternal* interest of society, are made with a view of enabling you to understand the reasonableness and propriety of our law in directing a cessation from labour on the first day of the week. The legislature have considered the subject rather in the light of a civil institution ; they have taken the idea from the Christian religion, and have *thus far* adopted some of its positive laws, as rule of mutual conduct to the citizens of Pennsylvania. The divine law, it is true, is farther than ours ; it not only enforces rest and restraint from labour on the first day of the week, but it requires the day be also consecrated to the uses of religion. Our law prohibits secular employment and business ; it stops, and meddles not with the *temporal* ; for the best reason in the world, it is impracticable in human govern-

ment, to compel the performance of religious duties.

In one point, and that a very important one, our law concurs with the divine law. They both admit that works of *necessity and charity* may be done on the first day of the week ; for the Sabbath was made for man, and not man for the Sabbath, the observance of which necessarily gives way, when it comes in competition with moral obligations, or the indispensable duty of self-preservation. It would be difficult, if not impracticable, to state with precision what are works of necessity and charity, because questions of this kind depend on a great variety of circumstances. Perhaps it would be proper to have recourse to the divine law, from which ours is certainly derived, for a solution of some difficulties that may arise on this subject. The expressions are indefinite, and admit a pretty wide latitude of construction, which in a

bility will be seen to vary, according to the character and principles of the judge or magistrate.


In sundry instances, the laws of our state have cognized the *first* day of the week, as a day of rest ; particularly by declaring, that all process executed thereon, shall be void ; unless it be in the case of treason, felony, or breach of the peace. And so far does the common law venerate the Christian Sabbath, that it not only invalidates all law proceedings on that day, but likewise all sales in market overt, and all other contracts whatever.*

Gentlemen of the Grand Jury,


Notwithstanding all that has been said in favour of the institution of the Sab-

* 2 Inst. 264, 265. Wood's Inst. 214. 2 Inst. 713. Shepp. Abridg. 3d part. 181. See 1 Swift's Connecticut Laws, a note executed at noon on Sunday, held void.—Secular business unlawful from morning light till evening. Page 367.

bath, as a means of procuring
ual happiness and national p
melancholy experience shews
no law of heaven or of earth th
generally violated. This is
to be regretted, as it seems
contrivance of *infinite* wisdom
up a sense of religion in o
without which government an
cannot long subsist. In the pr
we have *not* our *choice* of two
for it might be *some* consolati
we are extinguishing every a
of Christianity in our count
had the wretched prospect of
into the errors of Paganism.
case is otherwise ; for if we d
Christian religion, we shall l
It has been often said, the
the palladium of our religion
as this day is observed or
Christianity will stand or fal
be really the case, there is rea
it will not be of long continua
us. One thing, in my jud



tain. If it does fall, it will fall like a strong man—it will pull down the pillars of government, and bury our country in the ruins. Every wicked man is an enemy to his country; because he breaks her laws, and spreads the contagion of vice around him; and because his conduct has a direct tendency to bring down the vengeance of heaven on a devoted country. Though we may be secure in this part of the world from earthquakes and famine, yet there are other methods of punishing vicious and ungrateful nations. A people who disobey the laws of God and man, have no right or reason to expect a continuance of their prosperity; because obedience to the law is the appointed means of attaining it; otherwise the laws had never been made. There is no other way of discharging our duty to our country, but by yielding obedience to her laws; not *this* or *that* law, but *every* law. Men are influenced by different passions or appetites. Some per-



sons dislike *this*, others *that* law ; and there are *some* so bad, that they hate *all* law. One man is averse to the law that forbids tavern-hunting on Sundays, a vice which, by the bye, is very common among us ; and therefore he breaks it. Another laughs at the law that forbids swearing and blasphemy, and therefore he breaks it. A third complains of the law that restrains sports and diversions on Sunday, and therefore he breaks

you do whatsoever the law enjoins ; not if you obey this, that, or the other law, but *every* law. Remember, there is no such thing as patriotism by the halves ; and that to entitle you to the character of *good citizens*, your obedience should be uniform and universal ; for a *partial* obedience, implies resistance and opposition to government in all other points.

Upon the whole, it is high time for the friends of virtue and order among us, disregarding the sneers of the ignorant or unprincipled profligate, of whatever rank or character, to stand up in defence of our country, against the torrent of licentiousness, that threatens to sweep away religion, law and government. *To the judiciary*, her defence is, in a peculiar manner, entrusted by the law now under consideration ; which, in pointed language, never used on any other occasion, calls distinctly and severally, on the Judges of the Supreme

Court; the President
on every Associate J
of the Peace; on the
men of Philadelphia,
gress of a corporate
bringing to justice, a
offend in any instan
act. So general, h
dience to this law, a
tempt of public auth
ger passing through
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sports and diversion
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them. To the disg
and to the irrepara
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of violence, tumult
the magistrates seem
cerned to suppress, 1
thing to do with the
government. This
lous behaviour may
checked, by directi

On the Sabbath.

bles to apprehend all offenders, without any respect to persons ; and directions of this kind may be easily given to the Constables, who are the immediate officers of the Justices, and always at hand to receive and execute their lawful commands. To the reasons already given of a public and general nature, for executing the law on this subject, it may not be amiss to add in conclusion, that as it gives one half of the fine to the poor, an ample fund for their relief might be procured by carrying it into effect, without the aid of taxes from the township. Thus the vices of one part of the community, would be the means of maintaining those of our fellow-creatures who are no longer able to maintain themselves.

UPON PROFANE SWEARING.

[DELIVERED BEFORE THE GRAND JURY OF
ZERNE COUNTY, NOVEMBER, 1890.]

Gentlemen of the Grand Jury,

THE inhabitants of Pennsylvania have been highly favoured with a succession of legislators, who from time to time, and by a variety of laws, have endeavoured to extend the interests of virtue and morality. At the head of these, for many reasons, we must place the illustrious founder of the province WILLIAM PENN, a man not less distinguished by accomplishments of the understanding, than the more important virtues of a character eminently pious and moral. The comprehensive mind of this modern Lycurgus, as it has been properly styled by Montaigne, was deeply sensible of the abs

necessity of combining *religious* with a corresponding practice, in order to lay a solid foundation for social piety and prosperity. Under his auspices, and during his administration, public acts of government, evince the greatest anxiety to blend with the laws of the country those religious institutions that are calculated to advance the best interests of mankind. Though an unaffected sense of piety predominated in his mind, and altars lay near his heart; yet it never led him to aim at any improper exercise of power, or to erect his own creed as a standard of popular belief. His Christianity was drawn from the purest sources; and while it taught him the most profound veneration for the rights of science, it served to expand and illumine the genius of the law giver. It is the opinion of this enlightened Christian philosopher, "that no person should be compelled to maintain or to

frequent any place of religious worship, or be ever molested on account of any religious principles, provided he believed in the existence of ONE GOD." But however liberal these ideas were on controverted points of theology, yet the pernicious men, the dissolute man, the immoral man, whose notions are hostile to virtue and to life, was justly held in abhorrence, and delivered up to the secular power to be dealt with according to his desert. The drunkard, the swearer, the adulterer, the Sabbath-breaker, the gambler, the whole crew of moral disorganizers, were, in his judgment, proper objects of legal cognizance; because no man's tastes of conscience can be pleased by violating the duties of natural religion, or justify overt acts, or even excursions, when they are subversive of private rights, or social order.

If the people of Pennsylvania have derived no benefit from the

The faithful and instructive example of this great and benevolent legislator, we may be permitted to hope, the society of which he was a conspicuous member, have profited by his precepts and by his labours. It is certain, that from some cause, the vice of common swearing, so generally and so shamefully prevalent in our country, is less so much as heard of among them; and that they are still distinguished by an undiminished zeal in support of their public institutions, a punctual discharge of their religious and social duties, and a rigid and scrupulous attention to the morals and education of their youth. In these respects they are highly worthy of imitation, and should be an example to every other denomination of Christians among us.


The law for the prevention of vice and immorality, in Pennsylvania, continued pretty much the same from the year 1705, till the late revolution, which

separated the United States from Great Britain. It was then for the first, considerably enlarged, and assumed general form and features it has retained. Not only unnecessary labour on the first day of the week was forbidden, but all sports and diversions restrained. The same able and surprising legislative body, that in the 1780 laid the plan for the final abolition of domestic slavery, have happily incorporated into our municipal code, Christian prohibition of all sports, diversions, as well as unnecessary labour on the first day of the week.

It was upon this subject I had the honour of addressing the last Grand Jury, assembled for the county of Luzerne—and I then proceeded to go through a methodical discussion of the law of 1794, for the prevention of vice and morality; the second section of which is now in course, now presents itself to view. This section supposes a penalty of six

n cents, for profanely cursing and
ring by the name of GOD, CHRIST
US, or the HOLY GHOST, and
cursing and swearing by any other
e or thing, the penalty of forty cents.
e penalties are not paid, the offend-
n the first case, is to be committed
e house of correction, for a period
exceeding twenty-four hours, and in
latter not exceeding twelve hours ;
e to be fed with bread and water;
to be kept at hard labour.

f all the vices the wickedness and
nuity of man have been able to in-
, there is none that furnishes a
e melancholy evidence of moral de-
lation and depravity of mind, than
practice of swearing in common
versation ; because it is attended
no possible advantage or pleasure.
h respect to almost every other vice
can be named, it may be easily tra-
to some passion in the human
st ; and in the momentary pleasure



attending the gratification, we see the cause, though not an apology for the crime. The unchaste, the drunkard, the adulterer, men in their behalf, the pleasure resulting from sensual indulgence, and the strength of temptation, arising from some constitutional bias. We however, venture to assert, without predisposition to certain vices connected with particular constitutions, no person was ever born with a propensity to swearing or blasphemy, who experienced a moment's pleasure from it. To the commission of this there is no inducement. The man is neither stimulated on the one hand by the hope of profit, which animates the thief and the gambler; nor on the other by the prospect of gratifying some sense or appetite, which influences the glutton, the adulterer, or the drunkard.

I well know, Gentlemen, that swearing is too generally consid-

fence of the most venial kind, and either below notice. But I take the liberty of saying, this is the language of carelessness and inconsideration: for if the action be examined on the ground of reason or revelation, it will appear to be a sin of peculiar aggravation as it affects the Supreme Being, and of immixt mischief as it respects our fellow creatures. Permit me here to observe, on reading over the ten commandments, the difference of expression in which they are delivered is discernible and striking. When murder is forbidden it is said thou shalt not kill. When adultery is forbidden, it is said thou shalt not commit adultery. When perjury is forbidden, it is said thou shalt not bear false witness against thy neighbour.

But when profane swearing is forbidden, it is in language vastly more elevated and emphatic. It is written, thou shalt not take the name of the Lord thy God in vain; and an alarming reason is added to this case, and in no other.

er ; as if to shew a greater degree of transgression, and certainty of punishment—" for the Lord will not hold him guiltless," that is, according to a Hebrew mode of expression, he will more assuredly punish him " that taketh his name in vain." In short, if the entire absence of all temptation to vice, and the utter exclusion of all pleasure in the commission of sin, necessarily enhance the guilt of an action, we can be at no loss to account for Heaven's pointing its most dreadful thunders against swearing and blasphemy.

Should an earthly monarch permit his subjects in one part of his empire to trample on his authority, and to treat with contempt his name and character, the example would soon spread in other parts of his dominions, and be followed by the most fatal consequences to his government. A conduct of this kind, would demonstrate his imbecility and unfitness to sway a sceptre ; an

der his feeble administration, every
ng would soon rush into disorder
d ruin. Now as God is the moral
vernor and Ruler of the Universe ;
; Sovereign not only of this world,
t of unnumbered others, it is abso-
ely necessary that he should maintain
od order in every part of his universal
pire. It is necessary he should se-
e his name and government from
tempt, in the estimation of the in-
itants of this lower world, as well as
the millions of moral agents that are
persed through the boundless scenes
creation, and who no doubt pry into
his ways and laws. The supposition
t the command, not to profane the
ne of GOD, is limited to this small
:ck of creation, is a very narrow and
oneous conception of the subject,
d altogether unworthy of the Sove-
gn of the Universe. On the contra-
there is every reason to believe, that
is a law equally extensive with mor-

al agency, and binding on all ranks intelligent beings, in whatever form, wherever they exist ; because it is conceived a law of this kind is indispensably necessary to support the throne of God himself, and to the very existence of his moral government. But a Gentleman! such is the preposterous wickedness of man, “ that he who acknowledgeth the most profound veneration to be due an earthly king, and yet blusheth not to profane the name of his Creator, and to call on him to witness to a lie. He who feareth to breathe a whisper against his earthly sovereign trembles not to invoke the name of God on the most trivial occasion. He forgetteth his Majesty, he re-judgeth his judgment. Why art thou unpunished, O man ; but that this is not the day of thy retribution ?”

With respect to the more brutal rudeness of common swearing, what shall

y of it, Gentlemen? It has been remarked, and truly, that politeness and good manners are displayed in an easy deportment and conversation, that renders a man agreeable to all around him. Fighting and disrespectful expressions to an absent friend, are acknowledged to be inconsistent with every idea of good-breeding and civility, because they excite uneasy and painful sensations. For the same reason, to traduce your face, the character of one who is notoriously your patron and benefactor, has been always esteemed indecent and offensive. It is, no doubt, on this ground, the military servants of a monarch are supposed to be treated in a very improper manner, when their sovereign is spoken of in their presence in terms of reproach or dishonor.—Bringing the matter home, at once, to our own bosom. Thou hast a friend, perhaps a wife dearer than any friend upon earth. What would you think in this case, of a person who

should maliciously or wantonly with her fame and honor to your and in your hearing? The one who could thus speak daggers to her heart, would deserve universal censure, and to be driven from society as an unfeeling monster. Suppose only for a moment (and we are confident the case will be often found more than supposition) that there are some persons in the world, who revere, love and adore their Creator, the greatest and best of Beings, who are deeply sensible of their obligation to him, and whose hearts are filled with the most ardent gratitude to him for his mercy and goodness.— Suppose, in a case of this sort, and you will be enabled, by comparing it with the preceding, to form some idea of the distress, a good man may be supposed to feel, when he hears the name of his Sovereign—Father—Friend—Benefactor, treated with the highest reverence, profanity and insult.

then, impious man, whoever thou art, to harrow up the very soul of thy brother---and let, at least, a sense of decency teach thee to respect the feelings of others, if thou canst not be restrained by higher and better motives.

But however impious towards Heaven the offence of swearing may be, and however contrary to every maxim of politeness and good breeding among men, yet neither its impiety or rudeness will be a sufficient ground for the interference of the legislature, to make it punishable in human tribunals. It must be something more than rude or impious, to warrant their inserting it in the catalogue of crimes, against social order.

Religion consists in what men are to believe, and what they are to practise---in other words, in matters of faith, and moral duties. Human authority has no right to prescribe what others shall

think, or to dictate their creed. It is the prerogative of God to inform and to direct the conscience, and to him alone we are responsible for the rectitude and sincerity with which we form our articles of faith. The infinite diversity of opinion that has prevailed on theological questions is a clear demonstration of the inability of men ever thinking alike on these points. The fruitless efforts that have been made for this purpose by the furious persecutor, or the sanguinary bigot, have, indeed, deluged the earth with the blood of saints and martyrs, and occasionally made hypocrites, but not one single convert. On the subject of religion government is vested with no power of supporting and defending the truth of God, and avenging his cause, and it would be impracticable to say when they should stop, or to decide what measure of punishment is adequate to an offence against the majesty of an Infinite God. We know not in what light the

gressions of his different laws may be viewed in the divine mind ; and it would be the most extravagant folly to attempt to make his infinite abhorrence of sin, the measure of human punishment.... History furnishes a memorable instance of fanaticism arising from a mistaken zeal of this sort. An unfortunate Jew, having been accused, in the dark ages of Popery, of blaspheming against the Virgin Mary, was tried, and sentenced to undergo the dreadful punishment of being flayed alive on a public scaffold, erected for that purpose. Upon being brought forward, together with the executioner, a number of gentlemen, armed with knives, instantly ascended the scaffold, and driving away the executioner, proceeded to carry into effect, the bloody sentence, with the utmost deliberation ; in order, as they said, that they might themselves be the avengers of the injury done to religion, and the blessed Virgin. The notion that man is God's vicegerent on earth, and


the punisher of crimes against Him, is fraught with consequences, and is the most constructive idea that ever entered brain of an enthusiast. is the only Lord of conscience infinitely able to maintain righteousness and truth, and the authority of his own moral government without the assistance of blind mortals. To him it is our duty fully to leave the punishment *considered as violations of the all perfect Laws.*

But though government is to impose articles of faith, punishment for offences on those of being committed against it certainly has a right to make justifiable means to protect it from every thing that threatens its preservation, either from internal causes. It has clearly a right to preservation. But as all

in its very nature, and by inevitable consequences, to the overthrow and ruin of society, government has a right to correct its mischievous effects in the person of the transgressor. This right of self-preservation, is the only true and legitimate source of all lawful power, exercised by human governments. For this purpose, they may punish any and every act of immoral tendency--- or, which is injurious in any respect, or which is so to an individual, or to the society at large. When our laws punish perjury, murder, theft, or adultery, it is not as crimes against the divine law, but because such acts necessarily tend to the subversion and ruin of society.

So when our laws punish slander, it is not because the divine law has forbidden it but because it is injurious to the neighbor, and has a tendency to disturb the general tranquillity. It is the duty of elementary writers to mention the foundation of God, as one foundation on which laws are built. But we are not to

understand by this that government gives its right to punish even immoral acts from revealed religion. The expression only purports, that when laws punish immoral acts, they are in conformity to the laws of God which have strictly forbid every thing of an immoral nature. Both laws prohibit the offence---and the prohibition by the human law accords with, and is supported by, the divine law. The penalty for the breach of the command of God, having reference to a future state of existence, and the punishment for the violation of municipal laws being of a temporal nature shew that there is a conformity between the two laws only in the circumstance of prohibition ; and this unquestionably flows, in both instances, from the same cause, viz. the pernicious and destructive nature of vice. God having decreed that virtue and order should subsist among men, has no doubt, decreed the intervention and use of government



the means of furthering his designs in the world. In this sense, and in no other, is civil magistracy, in my opinion, an ordinance of God ; and that form of government, is, consequently, most agreeable to Heaven, which has the most direct tendency to produce these valuable ends.

But it may be asked, is profane swearing incompatible with the welfare and order of society ? I answer, yes, every way, Gentlemen---and extremely so---and therefore the laws ought to restrain and correct it, agreeably to the principles that have been just laid down.

If government may inflict punishments on acts of immorality, which endanger its existence, such as murder and felony, it may lawfully forbid every thing that incites or leads to the commission of such offences. It is upon this principle the laws punish those who only counsel and advise others to the perpetration of a crime. It

is universally acknowledged, that oaths are the grand cement of social cohesion, the very ligaments by which government is kept together. From the President of the United States, through the intermediate offices and departments, down to the constable of a parish, the qualification of an oath is indispensably requisite to the execution of the trust. The judge, the juror, the grand juror, and the witness make a solemn appeal to God, the searcher of all hearts, to testify to the truth and sincerity. Now, as oaths are the only security we have, for the preservation of life and property, and the binding force or efficacy depends entirely on the belief that God punishes falsehood, and will punish perjury, every thing that weakens the sense of obligation upon the conscience, must be extremely pernicious. But the general profanation of the name of God by oaths and curses, must unavoidably diminish that awe and reverence

Supreme Being, which it is well known is the only effectual guard against the crime of perjury, and must therefore be vastly injurious to society. Our laws, with good reason, punish even the vice of lying, when it happens to wound the fame of a neighbour. The person who traduces another, and ascribes to him the commission of any enormous offence, is responsible in damages, unless he can support his assertion on the basis of truth and fact. It is scarcely necessary to add, that constant profanity leads to lying, and that the practice of lying is the high road to perjury.


But swearing and blasphemy, though contrary to every principle of religion, of morality, of decency, and to the laws of our country, has, like all other vices, its advocates and its apologists; and it is said by way of excuse, that without knowing it, or meaning any

harm, men frequently fall into the commission of this crime.

That so silly an observation should ever have been made, may well excite surprise ; and much more so, that it should be so often repeated.

Where is the man, whose conversation is ever so much polluted by swearing, that does not immediately refrain from it, if brought into the presence of a king, or any other distinguished character, whose rank and station produce an awe upon his spirit ? What is the reason that the most abandoned swearer lays aside his infernal dialect standing before a court of justice, answering in the capacity of a witness, juror, or the like ?

The experience of every day is sufficient to convince us, that the same man who, in private life, is in the perpetual habit of swearing, is yet able entirely to overcome it when engaged in the



charge of a public office, where it would be incompatible with every idea of decency and dignity. A late celebrated English Chancellor,* who, as a private man, had long challenged an infamous pre-eminence in this vice, was never known to violate on the bench in a single instance, by a rash or improper expression, the public decorum due to his rank and station. For my own part, I should believe it might quite as easily be proved, a man could break open his neighbour's desk, or debauch his wife, without knowing it, as that he should make use of profane and blasphemous language, without being conscious of it.

But in the name of wonder, why is the apology that he means no harm, confined to the swearer? Why not extend the benefit of so happy a discovery to the habitual slanderer, liar, drunkard, and so forth? Nay, Gentlemen, it

* Lord Thurlow. See the *British and Irish Characters* for 1798.

would be difficult to adduce any reason, why the thief too should be allowed to come in for his share especially an old thief, who had de-
 ed all sense of shame and remorse the frequent repetition of his crime. For then he would bring himself
 cisely into the situation of the of who thinks no harm.

I dismiss the subject with the following reflections. It is deeply to be deplored, that so many persons of
 ence and fashion among us, are addicted to this vice. Vain are all hopes of a reform, while this is the case. A pernicious example, like a torrent descending from some precipice, spreads desolation and ruin through our land. What pity is it, that the noble motives of obedience to God, and regard to our fellow creatures are inadequate restraints on a vice which does them no good ; but, which is the source of incalculable mischief to their fellow creatures.

UPON DRUNKENNESS.

DELIVERED BEFORE THE GRAND JURY OF LUTZERNE COUNTY, APRIL, 1801.]

Gentlemen of the Grand Jury,

HAVING prescribed to myself the task of explaining the act for the prevention of vice and immorality, with a view to recommend obedience to every part of it, as the surest means of preserving the liberty and happiness of our country ; and having in former addresses to Grand Juries, gone through the first and second sections, I now proceed to make some observations on the third, which is expressed in the following terms :

“ And be it further enacted, That if any person shall intoxicate him or her-

self by excessive drinking of spirituous, vinous, or other strong liquors, and shall be convicted thereof, he or she shall forfeit and pay the sum of sixty-seven cents, for every such offence; or, if such person shall refuse or neglect to satisfy the said forfeiture, or goods and chattels cannot be found whereof to levy the same by distress, he or she shall be committed to the house of correction of the proper county, not exceeding twenty-four hours, there to be fed on bread and water only, and to be kept a hard labour.

Intoxication is a term of such familiar use, and instances of it are so frequently to be seen, that it may be deemed unnecessary to define it. It is an expression of very vague and indefinite meaning; but in our law books, it is always represented as an artificial and voluntary madness, the effect of vicious indulgence; and therefore affording not the slightest palliation for any violation


of the laws of the land. Being the author himself of his own insanity, he is called *voluntarious demon*, a voluntary madman, and having committed *one* crime, he shall not be allowed to urge it as a plea to justify another. In such abhorrence is this voluntary renunciation of reason held by the laws of our country, and in order more effectually to discountenance it, that even a bond executed during this disordered state of mind, is deemed obligatory ; unless it appear, the drunkenness was the effect of management and contrivance in the person for whose use the bond is given.

Like every other vice, it may be committed in a less, or greater degree, and under circumstances of less or greater aggravation. Viewed merely in the light of an offence against the laws of the land, it is discriminated from all others by one circumstance, namely, that there seems to be only a certain *degree* of it, that is punishable. Every

degree of felony, it is well known, punishable. So is every degree of murder, robbery, and adultery. But unless the offence of intoxication, rises to a certain height, (and passes certain bounds, however obvious it may be) that the party has deviated from the strict rules of temperance and propriety, yet he is not amenable at the bar of an earthly tribunal. The true legal definition of intoxication, implies such *excessive* drinking (to use the words of the law on this subject) as to disorganize the reason and understanding, and which is evidenced by speech or behavior. Nor will a less degree of it authorize conviction under our law, however decent it may be, or incompatible with a prudential regard to health, or the dictates of Christian morality. It could be supposed the laws were unwise, and that a degree of intoxication less than that which produces a state of mental absurdity and disorder, was comprehended in the act of murder.

ture, it might be the means of proscribing innocent mirth and cheerfulness. The penalty of the law might be inflicted where nothing else could be discovered but the effusions of joy and festivity. A distinction of this kind, as to the *degree* of intoxication, in the light of an offence against human laws, appears to be wise and reasonable ; especially when we consider the habits and manners of the present day. While it exposes brutal excess to the just correction of the law, it leaves hilarity and good humour to their full enjoyment.

For very good reasons, all civilized countries have agreed to punish drunkenness, as a crime against social order, and the public good. I believe it may be asserted with truth, that from this source originate almost all the enormities, that produce distress in private families, and the most destructive outrages on the public peace. It is this vice, that makes so many helpless wid-



ows, and distressed orphans ; t
our streets with wandering be
that crowds the sheriffs' docke
executions, and is productive o
merable quarrels, assaults, batter
ots and man-slaughters. " W
woe ? (says the wise man) w
contentions ? who hath babbling
hath wounds without cause ? Th
tarry long at the wine, they th
seek mixt wine." I declare
public manner, and with the m
emn regard to truth, that I do
collect an instance, since my bei
cerned in the administration of
of a single person being put on
for manslaughter, which did not
ate in drunkenness ; and but
stances of trials for murder, w
crime did not spring from the sa
happy cause. A moment's con
tion will be sufficient to convin
Gentlemen, that the various bre
the peace that are daily brough
the courts, are all derived, in a

or less degree, from this infamous and mischievous vice. It is impossible, therefore, to withhold our warmest approbation of a law, that has any tendency to check it. And indeed, when we coolly reflect upon its infinitely pernicious effects on the peace, order, and moral happiness of the world, it is natural to express our surprise, that governments have not gone further, laid the axe to the root of the evil, and exterminated it at once by a strong and vigorous arm.

It is an observation of Sir William Temple, that a multiplicity of taverns, is an evil inseparably attendant on republican governments. From which the inference does not seem forced or unnatural, that in proportion as they abound, the vice of drunkenness may be expected to prevail among the people. Pennsylvania, it is acknowledged on all hands, affords the most striking evidence to justify the observation of

the philosophical patriot; and every day exhibits to our view, the most powerful proofs that the consequences such as might reasonably be apprehended. The legislature of the state indeed candidly admitted the inference from their *number*, to be perfectly rect, by stating, as they do in explicit terms, in the 11th section of the law now under consideration, "The great abundance of taverns and public houses, for vending spirituous liquors has been found to promote habits of idleness and debauchery." These are taught by daily experience, are the rank soil in which the vice of drunkenness shoots up with such fatal luxuriance. These are the polluted fountains that send forth constant streams to corrupt and demoralise our people. Our youth, the growing hopes of the country, are initiated in all the mysteries of iniquity, and lay the foundation of those destructive habits that forsake them. Here they are taught

ractise the dialect of infernal spirits, and to rival the very demons, in the use of profane and blasphemous expressions:

Although taverns are, unquestionably, fruitful sources of vice, yet I am not so visionary a lawgiver as to suppose it practicable in government, to have them conducted with the same regularity and decorum that prevail in private families. This, I well know, is impossible. At the same time, it affords me much satisfaction to say, that some of them are kept in the most decent and unexceptionable manner the nature of things will admit, considering the depravity and prodigious licentiousness of modern manners. There are others, however, who abuse the trust reposed in them by government; and instead of keeping houses of refreshment for the traveller, and for the accommodation of persons meeting on

business, which was the design of their institution, convert them into places of frolic, drinking and gambling, on all hours of the night, and every day of the week, Sunday itself not excepted. It is much to be regretted taverns of this description cannot be broken up. The laws on this subject are sufficiently strict, and I do not see how they can, with propriety, be rendered more so. Heavy penalties are imposed on those who keep disorderly houses, and in any shape countenance horse-racing, cock-fighting, and any kind of gaming whatever. Nothing is wanting, but a faithful execution of these laws ; which would soon operate an entire reformation. But alas ! Gentlemen, the rage of dissipation is such, among all ages and classes, as to render any hope of this sort, baseless as a dream, or the fleeting shadow.

But if abuses in taverns cannot be corrected ; if they have become so in

as to be incapable of cure; perhaps something may be done to lessen the evil, by drying up, in some degree, its sources. This, Gentlemen, can only be done by laying our young people under greater restraints.

It has long been my opinion, that the relaxation of *domestic* authority, is one of the most alarming symptoms both of the degeneracy, and dangerous situation of our country. Parents and masters seem to have abandoned all control over those that Providence has placed under their care and guardianship. They seem totally indifferent both as to the *company* and *hours* they keep, and the *places* they frequent. The reins being thus thrown loose upon bad propensities, it is no wonder they take the shortest road to destruction, and hasten to taverns. Depend upon it, Gentlemen, it is a serious truth, though not often heard in courts of justice, that

we are responsible to heaven, not only for our *own* actions, but in some degree for the actions of those who may be influenced by our example or authority. If we permit our children to do as they please—to frequent what company they please—and to keep what hours they please, nothing can be expected, but that our country, ere long, will swarm with a race of beings, that neither fear God, nor regard man. Such are the incalculable advantages of discipline over young persons, that I have often thought (religion and a future state on one side of the question) it would be the height of wisdom, to compel them to keep the most exact hours, to oblige them to regular attendance on the public institutions of Christianity, to confine them to their own homes on Sunday, at least some portion of the day, and in various other instances of a similar nature, to restrain them : if it were only to impress them with habits of early subordination to private authority, in order

lay a proper foundation of obedience to public government and the laws of the land. Certainly much depends upon the influence of parents and masters, to remedy the evils arising from the multiplicity of our taverns. It is in their power to restrain their children and servants, and they are bound to do it, by the strongest considerations that can actuate the human breast. A regard to their own peace and repose beyond the grave, and the future happiness of their country, equally require it at their hands.

There is no position more uncontrovertible, and sanctioned by more uniform experience, than that a republican government can be supported by no *other* foundation than the virtue of the people. And it is equally clear, *this* virtue must originate in domestic education, in obedience to parental authority, and in a love of order. The Jewish nation

taught the ten commandments to the children at so early an age, that these were the first sentences they were able to lisp ; and every body knows the care and pains employed by the wisdom of old Rome, in order to impress a knowledge of the twelve tables on the youths. If I was called upon to point out a particular law of the state of Pennsylvania, as entitled to the superior attention of its inhabitants, it should be *The act for the prevention of vice and immorality.* There is no positive law of the land, that deserves to be indicated with half the solicitude, on a rising generation. It deserves a conspicuous place in every chamber, every house. Parents and masters should teach them diligently to all the domestics. They should “talk of it when they sit in the house, when they walk by the way, when they lie down and when they rise up.”

Let politicians speculate, and philosophers dogmatise on forms of government; as long as they please, it remains an eternal truth, that the liberties of a country can be preserved only by the practice of religion and morality. Here, and here only, is the solid rock on which human glory and felicity can be permanently erected. Hence it is, that the enlightened law-givers of every nation, whose views were limited by the interest and happiness of the people, have made the dissemination of the principles of sobriety, industry and virtue, the object of unceasing study and labour; and particularly among the rising generation. Animated, Gentlemen, by their great example, it is our duty as magistrates and rulers, on a smaller scale, to inculcate, both in our official stations, and by our personal conduct, uniform and constant obedience to every law of our country. This is the only way, and it is certainly a very efficacious one, by which we can support the precepts of

laws, which are the foundation, pillar and prop of all *other* laws, and of government itself ; it must be confessed. Gentlemen, it is that kind of enthusiasm, which ought to be the pride and ornament of every judicial character in the state.

But where is the *hypocrisy* of executing this law ? Judges and justices are bound to execute *all* laws, one as much as another ; and as they lay no claim to perfection, more than other men, it may possibly happen, they may be obliged to condemn in other persons, a vice from which they are not themselves wholly exempted. In doing this, it is impossible to discover the least trace of hypocrisy ; though it is natural to think the awkwardness of the situation, and inconsistency of conduct, might be sufficient to cover such magistrates with blushes and confusion.

But if the character of enthusiasm and hypocrisy cannot be fairly imputed

is who execute this law, torrents of abuse and defamation may be let upon them. By some persons their conduct will be esteemed an unforgivable outrage on the rights of gentlemen; by others, the effect of a low and surlish disposition; and by others, the effluence of a weak and superstitious mind. It must indeed be acknowledged to be extremely unpopular, to the vices of those who are dishonoured by wealth and influence, and especially in a government constituted in their interests. Should you therefore, Gentlemen, engage in the work of supporting this most valuable and excellent law, I must warn you beforehand, that you must expect to run the gauntlet. You must expect to be scourged with the jeers of the wise, the proud man's sneers, the contempt of the rich, the endless impertinence of fools and hypocrites. But all this, and a hundred times more, you will be able to surmount, if you are possessed of the

spirit of your station, and the fortitude of a man. In the estimation of the great and good, they have often been considered, as the dust in the balance ; though they may perhaps occasion a momentary uneasiness, yet that should never be put in competition with the just reproaches of a guilty mind. A coward, indeed, and a coward must be the husband and depraved the understanding, who can prefer human applause, to the exquisite satisfaction of an approving conscience, and the final reward that attends the performance of virtuous actions, the faithful discharge of duty.

UPON GAMING.

*LIVERED BEFORE THE GRAND JURY OF BERKS
COUNTY, JANUARY, 1802.]*

gentlemen of the Grand Jury,

THE practice of gaming, with the long train of evils, generally resulting from it, have been pointed out and decried, not more frequently by the Divines and the Moralists, than by the Statesman and the Patriot. Whether the love of this pernicious amusement, deeply implanted in human nature, some have supposed; or be altogether the effect of habit, as others believe, it is certain, when once it gets possession of the mind, there is no vice that tyrannizes over its miserable votaries, with more uncontrolled sway. It is the infatuation which often attends it, that innumerable instances

might be mentioned, of persons by venturing their all upon the toss of chances, have been reduced to wretchedness, to poverty and wretchedness in the short space of a few years. And though such desperate gaming is attended with guilt and folly do not often prevail in our country, yet as all vice is in our nature progressive, and we are making rapid advances in every kind of knowledge, there is reason to fear, we shall long, rival our European brethren in this, as well as in every other kind of criminal dissipation. There is, however, a species of gaming conducted on a lower scale, which abounds everywhere among us—is chiefly carried on in taverns, and is practised by persons of all descriptions, high and low, rich and poor, old and young. It is a scandalous violation of the laws of the land, this open insult upon government. I mean at this time to turn your attention ; as to an evil of *growing*

tude, which threatens our country with very calamitous effects.

It would consume too much time, and is not my intention, to go into a full discussion of the innumerable evils flowing to society from the practice of gaming. They are so obvious, as to present themselves to the understanding of the most unreflecting person. Let it suffice to observe, generally, that as it springs chiefly from idleness, the fruitful, the inexhaustible source of almost every vice, so it has a natural tendency to produce idleness. It operates as cause and effect, and is at once both parent and offspring. When the heart is once thoroughly possessed of this passion, every thing is sacrificed to its gratification. In the mad pursuit health and constitution are gradually destroyed by irregular hours, and disorderly conduct. Sleepless nights, corroding passions, and a neglect of business, accompanied with the intempere

use of ardent spirits, soon plunge the gamester and his family, into common ruin.*

It would be a fortunate circumstance if the detail of mischiefs ended in destruction of the constitution and moral concerns of the gambler. the case is far otherwise. The facts of gaming extend beyond

* The pernicious consequences of play, have frequently described in the strongest terms, and illustrated by the most striking examples. Seldom have they been represented on so large a scale as the late account of the fate of a great body of gamblers at Hamburgh, which an intelligent spectator has published in a German Gazette, as the result of his attentive examination, during a period of two years. Six hundred individuals, who were in the habit of frequent gaming, he states, that nearly one half not only lost considerable sums, but were finally stripped of all means of subsistence, and ended their days by self-destruction. Of the rest, not less than an hundred, finished their career, by becoming swindlers or robbers on the highway. The remnant of this unfortunate group perished by apoplexy; but the greater part by chagrin and despair. He mentions, that during the whole of the two years, to which his journal is confined, he saw one of these six hundred gamesters, with a single dress.

See Reife's Gazette of February 2, 1

ture. The *mind* is deeply contaminated; and sentiments, the most hostile to a *final* peace and happiness, are harboured and indulged. The gambler is frequently tortured with paroxysms of rage against heaven; the effect of raised expectation being suddenly dashed at a critical moment. Meanwhile his countenance is almost as much distorted with agony, as that of a person suffering on the rack. From which we may form a pretty correct idea, what must be the sensations that are tearing his heart; and how infinitely injurious their effect must be, on the temper and disposition of the soul. In short, I must be permitted to remark, however displeasing the observation may be, that a gaming-table generally exhibits a scene of great immorality, where the most criminal passions rage uncontrolled, and dreadful oaths and imprecations burst from almost every tongue. That this is not a false, or exaggerate des-

cription; *candor* itself must acknowledge.—And, I think, it must at the same time be as readily acknowledged to be the duty of every friend of virtue and his country, to abstain from an amusement pregnant with the strongest temptations to avarice, fraud, lying, cursing, swearing, contention, fierceness and every emotion that can disorder the heart. Even the stern philosopher, who is supposed to consult nothing so much as the tranquillity of his own bosom, would do well to avoid what is as dangerous, if not destructive to the serene and unruffled enjoyment of life, which he affects supremely to pursue. He who voluntarily and unnecessarily places himself in a situation, where his innocence may be lost, or his freedom become the sport of blind impulse and chance, acts a part, neither compatible with the character of sound wisdom nor virtuous circumspection. The maxim of the great philosopher, Mr. Locke, should not, therefore, be hastily

ated ; who, after examining this subject with his usual acuteness, declares, to be his opinion, that in order to avoid *all* temptation, the best way is never to learn to play a single card.

Impressed, no doubt, by these or other considerations still more forcible, the legislature of our state have endeavoured to abolish every species of gaming. The axe has been laid to the root of the evil by the law of April, 1794, entitled, “ An act for the prevention of Vice and Immorality, and of unlawful Gaming, and to restrain disorderly Sports and Dissipations ;” which has rendered it completely, and on all intents and purposes, unlawful in Pennsylvania. It will not be improper to lay before you, a brief sketch of the law on this subject.

The fifth section forbids fighting cocks for money, or other valuable considerations, under the penalty of three

dollars; and as it is notorious, the thing so much encourages this idle and brutal diversion, as laying and that cock-fighting is often the result of a speculating gambling ten any wager on the event is prohibited under a like penalty. Playing at dice, billiards, bowls, shuffle-board, and any game of address or skill for money, of other valuable consideration, is also forbid, under a penalty of three dollars. With respect to firing bullets on the highway, the act bids it, under the like penalty, whether there be any bet laid or not. The penalty in this case, is what the law calls cumulative or additional. For allowing bullets in the highway, obstructing the road and incommodes passage and travellers, it is an offence independent of the act, for which the party is liable to indictment and fine at common law. A penalty of twenty dollars is also annexed to the offence of b

ing, for money or other valuable consideration.

The sixth section, after declaring that various descriptions of gaming, mentioned in the act, are frequently resorted to and held at public houses, or in taverns, imposes a penalty of four dollars, and a loss of licence for a year, upon every tavern-keeper, who shall promote any thing of the kind, or shall furnish drink to persons so employed, or shall allow any sort of gaming for money or other valuable consideration, in his dwelling-house, or in any house belonging to him. In case of a second offence, he is subject to a fine of twenty-eight dollars, and is rendered for ever incapable of keeping a tavern in the state of Pennsylvania.

The seventh section, still keeping in view taverns as the grand theatre of gaming, forbids billiard tables, E O tables, or other devices being kept in

public houses, for the purpose of playing for money, on pain of forfeiting the instrument of such play, and the sum of twenty-six dollars.

By the subsequent provisions of law, a person losing money, or other valuable thing, at any of the games specified in the act, shall not be obliged to pay, or make good the same, or discharge any security given therefor. And even if the loser has actually paid the money, or delivered the article to the winner, he may sue within ten days and recover the same back again.

This, Gentlemen, is a brief but correct summary of our laws upon the subject of gaming ; made for the best purposes, and with the best intentions. And thus anxiously and benevolently have the legislature of our country deavoured to extirpate the evil, root and branch. You will, however, perceive they have not prohibited playing me

for amusement, at any of the games specified ; not even horse-racing, where amusement is the only object. It is only when money, or any thing of value is played for, that it is absolutely forbidden.

And now, Gentlemen, let us pause a few moments, and seriously ask ourselves this single question ; Is it our duty, as good citizens, to yield obedience to this law of our country, or is it not ?

Many persons I well know, are ready at once to exclaim, the law is foolish and absurd, and we are resolved to treat it, as such a law deserves to be treated, with contempt and neglect.

Waving for the present any inquiry into the merits and propriety of the law, we proceed to observe, that conduct of this sort, strikes at the very root of government ; in as much as it makes

our obedience depend, not upon itself, and its binding force upon tutional principles; but on the a man may form of its wisdom and diency—which in effect is to assure private judgment shall defeat public authority, should they happen with each other. The legislature decided the point, that gaming is injurious to the social and moral interests of our country; and to this decision every citizen is bound respectfully to conform, unless he means to set himself at defiance to the government, in all those cases where they differ in opinion. Laws, of every nature, are intended to impose restraints upon the will and inclinations. But this can never happen, if the propensities and attachments are directed to be good reasons, for not to obey obedience to them. In fact, they set mankind free from all law and restraint. The gambler reprobates the law against gaming, because it interferes with his habits and his passions, and ins

no harm in it. All he asks is, he may be indulged in disobedience to law, in this single point, and he willing to behave as a good citizen every other respect. Why, Gentle- this is the very language of the and the highway-man.—They, the gambler, only plead an exemption in behalf of *that* vice, to which have the strongest attachment, and is them the greatest pleasure. It is well known, the common swearer, adulterer, the slanderer, and wicked every other class and description, set themselves behind the same exemption, viz. that their vices are harmless, they have a particular fondness for


to reconcile us further to obedience to law, it should be remembered, it is not the imperious mandate of arbitrary monarch, or an edict of dark age of ignorance and supersti-

tion—but the law of a free people, passed by one of the most enlightened governments upon earth...a law flowing from the deliberate act of our own representatives, selected from every part of the state, for the sole purpose of legislation. In our republican government he only is a good citizen, who obeys all the laws---those he *dislikes*, as well as those that meet his approbation. Upon the ground of obedience, the law makes no distinction. Convinced that even the best government requires a constant sacrifice of the will of *one* part of society, to that of the *other*, he is ready on *all* occasions to take up his cross and follow his country. Obedience is indeed a very easy thing, when it falls in with our particular habits and views, and in such cases there is no danger that the law will prove a “stone of stumbling and rock of offence.” But what is of a citizen is *that* man, who obeys only those laws, which please his humors or his taste, and deliberately viola

se he disapproves? I will venture
dly to assert, a person of this de-
iption, has not a single drop of feder-
r republican blood in his veins, or be-
olence in his heart---did he possess
article of either, he would cheerful-
acquiesce in every law, that has any
dency to promote the general good.

I were asked, what is the *first* part
the duty of a good citizen? I would
r *obedience*. If I were asked, what
the *second* part? I would say *obedi-*
e. If I were asked, what is the *third*
t? I would reply *obedience*. In
ort, it is the very essence and con-
nmation of the character of a good
izen in a republican government.
e are told, that in the school of Py-
goras, his *autos ephe*, that is, his bare
inion, was deemed such decisive evi-
nce of truth, as to adjust every con-
versy that arose among his captious
d disputing pupils. Such precisely
ould be the profound respect paid to
: laws in our government. "It is

the LAW ; the legislature have said :
—should silence every objection, &
every mouth, and restrain every h
and foot. Has the law, for exam
said, Thou shalt not take the nam
the Lord thy God in vain, or swear
any other name or thing ? he that tr
gresses it, is neither a good *citizen*,
a good *man*. Has the law said, T
shalt do no unnecessary work,
practise any sport or diversion on S
day ? He that offends in those inst
ces, against both heaven and earth
a bad *citizen* and a bad *man*. I sp
plainly, Gentlemen. In defending
laws of God, and my country, I am
to be deterred by the censures of
man, or set of men, from using any
guage, or freedom of speech, not inc
sistent with truth and decency.
therefore repeat, that a person,
breaks the laws of God and Man,
have no better pretensions to the c
acter of a virtuous good citiæn, t
the felonious robber on the highw



They both submit to the laws, in general ; and the highway-man, like the gambler, only breaks them, where they oppose his favorite pursuit, which is just the case, with every other immoral man. They are *both* bad citizens, tho' there may be a difference in the nature and degree of their crimes.

In estimating the character of a man as a citizen, it is his *conduct* only that is decisive evidence for or against him. Professions are of no sort of consequence. What would it signify for a person boldly to assert, he was an honest man, while he was notoriously addicted to lying and stealing ; or to take an oath of fidelity to government, while he was in open arms against it. Equally absurd and ridiculous is it, to *talk* of patriots and good citizens, where the life and practice are, in any respect, at war with the laws of our country ; and they are treated with insolence and

Both in religion and
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stone of sincerity. It
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that supports the univ
tains perfect harmony

war, and confusion, that agitate and convulse this unhappy globe, on which is our lot to reside. ORDER is heaven's first law—and should be the *first* law of earth. Universal obedience to its infinitely holy and unerring laws, is necessarily productive of universal order—and universal order is necessarily productive of universal happiness.

II.—THE SUBJECT OF MORAL AND
SOCIAL OBLIGATION.

BEING PART OF A CHARGE DELIVERED TO THE
GRAND JURY OF BERKS COUNTY, JAN. 6, 1800.]

Gentlemen of the Grand Jury,

THERE is no knowledge of more importance, than that which teaches us to vindicate the ways of God to man. But in order to form correct notions on this subject, it should be al-

ways remembered, that, though God be the universal Parent of mankind, is not less true, that he is their moral Governor, and Supreme Magistrate. Considered in the light of a wise and just Sovereign, exercising dominion over intelligent beings, he cannot but otherwise, than dispense rewards and punishments according to the different characters of those who are the subjects of his moral government. It is undoubtedly for want of considering the Deity in his most serious and important light, as the Supreme Magistrate and Ruler over his creatures, that men so frequently violate his laws. If they were duly impressed with an authoritative sense of his right to prescribe rules of action to creatures, formed by his power, and depending on his goodness, they would yield the most implicit subjection to his commands. God as a Sovereign, has a right to expect perfect obedience to *all* his laws, and to punish every violation of them. Tri

is; indeed; that in their present lapsed and degenerate state, mankind are incapable* of yielding that sinless obedience, which the perfect law of nature requires from every rational and intelligent being, to the will of its Creator. But this moral impotence is happily removed by the divine scheme of revelation, whereby God has graciously so ordered it, that sincere, though imperfect obedience will be accepted, through the

* Mankind labour under no natural inability, in their lapsed state, to obey the perfect law of nature, though they are dead in trespasses and sins. The moral law, founded in "the reason and fitness of things," as the Judge observes, page 9, requires only to love the Lord our God with all our strength—the natural ability we now have in our weak and lapsed state—for it is a maxim in morals, in which the scriptures agree, that natural inability always destroys moral obligation. "It is accepted according to that a man hath, and not according to that he hath not."

There were obstacles in the way of the salvation of men which they have not natural ability to remove—but these are removed by the atonement, and now he that performs sincere, that is, holy obedience, is accepted through the vicarious satisfaction and complete obedience of him who hath fulfilled all righteousness in our stead, and laid down his life for the whole human race."

vicarious satisfaction, and complete obedience of Him, who hath fulfilled righteousness in our stead, and laid down his life for the human race. From this relation of obedience on the one hand, and the right of governing on the other, results that system of duty which fully evinces, that man is the subject of moral obligation, in every light in which he can be contemplated. If you view him in the light of an individual, he is under the strongest possible obligation as a dependent being, to love and revere the Great Author of his existence, and to make his sovereign will the supreme rule of every action. If you view him again, in his social capacity, you perceive a train of the most important duties resulting from his situation, which are called social duties; because the violation of them is attended with injury to our fellow-creature. Writers on the subject of ethicks, have therefore divided moral obligation, into duties which respect man as an individ-

ual, and duties which respect him as a member of society : a division which is highly proper, because it includes every thing—our duty to God, to ourselves, and to our fellow-creatures. A man may transgress the laws of Heaven, and the duty he owes himself, without violating the law of social obligation. Thus secret blasphemy, or a private act of drunkenness, or any other hidden vice, can be no breach of human laws ; but are clearly violations of the divine law, and a transgression of our duty as rational beings. Hence the vices of an individual as such, can never become the objects of legal cognizance. To his Creator and himself—to God and his own conscience, man is alone responsible for all his secret offences. Nor have human tribunals any right to arraign his actions, unless they are exhibited to the view of others. It is this circumstance of publicity alone, that gives them a criminal complexion in the eye of human laws, and is the true rea-

son why persons thus guilty become answerable at the bar of courts and juries. With man, therefore, in his capacity, vested with certain rights, and bound to the performance of certain relative duties, you are now to be employed as grand-jurymen, &c. &c.

A CIRCULAR LETTER.

ADDRESSED, TO THE CLERGY IN READING,
MARCH, 1794.

Sir,

ALTHOUGH learning and science are sufficiently encouraged in Pennsylvania, yet the government has not made the improvement of the heart, and the morals of youth, a particular object of attention. Like other governments they have left to parents, and to public teachers of our holy religion,

of instructing the rising generation, in the first principles of Christian- and moral rectitude. Our laws before do not interfere in the business of education, any further, than by prohibiting a variety of overt acts, which are also forbidden by religion, and are, at the same time, of evil example, and of bad moral tendency. And these, like our legislative prohibitions, extend to the old, as well as to the young. Thus our law, which forbids swearing in common conversation, includes both the old and young. The same law which says, 'Thou shalt not drink or tipple in wine on the Sabbath day, extends equally to *all* persons. In the same manner, our law, when it says, 'Thou shalt not make use of, or practice any idle sport, or diversion on the Sabbath day, comprehends persons of *all* descriptions, the old, the middle aged, and the young. It is in this way, our laws have protected the general inter-

ests of religion and morality, without explicitly specifying any age, rank, or class in society.

It is universally acknowledged, that the most permanent impressions are made upon the mind in the early periods of life. The habits that are *the* acquired, are seldom or ever changed and generally constitute the character of the man. What can be expected where children are suffered to grow up in the daily violation of the laws of both God and man, unadvised and unrestrained by their parents and masters but a continuance in the same vicious course, after they have attained to maturity. The wise man tells us, "train up a child in the way he should walk and when old, he will not depart from it." The truth is, the heart is a barren soil, producing spontaneously, and with strong luxuriance, noxious weeds of every kind;—hence the difficulty that attends this species of moral husbandry.

For the finest shoots will quickly be blighted by vicious inclinations, and the influence of bad example, unless counteracted by the unceasing hand of care and industry.

These and other reflections on the subject, have induced us to address you at this time, and to suggest the idea of using our joint endeavours—you as a minister of the gospel, and we as Christian magistrates—to check such open irregularities of the youth in this town, as are transgressions both of the laws of *God* and *man*. We, therefore, Sir, now call upon you, to co-operate with us in our efforts, to restrain the young people in Reading, from the breach of the Sabbath. It is with concern we mention, that our streets exhibit on that day, crowds of boys engaged at marbles, pitch-penny, and other sports and plays, while our ears are frequently wounded, with dreadful oaths and curses. It is surely a very singular

fact, that children who can scarcely otherwise utter a syllable in *English* are yet perfectly skilled in all the variety of impious and blasphemous expressions which that language can afford. In our sincere apprehension, there is not so much tumult and uproar, much gross profanity, and indecent violation of the Sabbath, exhibited in the streets of Philadelphia, as in a small borough of Reading; a circumstance that reflects equal discredit on the police of our town, and the religious character of its inhabitants. We have determined therefore, that we no longer remain indifferent spectators of such conduct; and have come to a resolution, to go as far as the laws support us, in putting a stop to it. For this purpose, we shall order the constables to patrol the streets on Sunday (to begin on Sunday the 30th day of this month) with authority to apprehend all persons, that may be found

guilty in the premises, that they may be dealt with as the law requires.

We do assure you, Sir, we wish not to give offence to any body. Nor is it our desire to see any person punished, much less the young. It is far more agreeable to us to *prevent* the commission of crimes, than to punish them. You will therefore observe, we have fixed upon so distant a day as Sunday the 30th of the month, for the execution of the law, in hopes that your notifying your congregation of it (which we request you will do) joined to your pious exhortations to parents and masters, to restrain their children and apprentices, may be the means of producing the intended reformation, without obliging us to have recourse to the harsher correction of the law.

If we sustained no other relation to society, than merely that of public

magistrates, yet we should rejoice to see the doctrines and principles of Christianity universally prevail ; because we are persuaded, they are the only solid ground of all morality, and consequently of good government. Righteousness exalts a nation ; but impiety is a reproach to any people, and leads not less certainly to *national* ruin and destruction, than to *individual* misery both here and hereafter.

We are, Sir, &c. &c.



SENTENCE OF DEATH,

PASSED ON BENJAMIN BAILY, IN NOV. 1791
FOR THE MURDER OF JOST FOLHAFER.

YOU have had a fair and impartial trial. The witnesses have been examined in your presence. You selected your own jury, and have been a

and zealously defended by your counsel. When we see a man, under such circumstances, sent out of the world, in the administration of justice, it must be *guilt* alone, that bears him down. The evidence on the trial, made so strong an impression, as to combine in one sentiment against you, the court, the jury, and the bystanders.

As you have but a short time to live in *this* world; and there is no hope of pardon, from any *earthly* hand, let me urge you to seek a pardon from above.


It is the consolation of the wretched, and the guilty, that God is infinitely merciful. But it should be remembered, that he is merciful, not to him who continues in the practice of sin, but to him only who repents, and utterly forsakes it.

Be assured, the question is not, Whether you must *repent* of your sins?

That is certain, sooner or later. But the question is, Whether it is not better to repent in *this* world, where your repentance may be attended with the happiest effects, than to repent hereafter, when it will answer no other end, but to increase your torments ?

You have been guilty of murder in its most horrid form—deliberate—cruel—and remorseless. You have imbrued your hands in innocent blood, for the sake of a little money. And though the water of the mountain hath washed the stain from your garments, and from your hands, yet oceans of water can never wash away the stain of guilt from your conscience. Nothing can possibly do this, but the efficacious, and all-cleansing blood of a SAVIOUR. To *this* blood you must apply, as the only remedy for a soul polluted with sin.

Be advised, therefore, immediately, anxiously, and solicitously, to set about



the great duty of repentance, and working out your salvation with fear and trembling.

You have not a moment to lose ; exert yourself, and if you have never prayed before, strive to pray *now* for the first time ; for prayer is the very breath of heaven, and without it there is no religion, no repentance, no pardon on earth.

Weep over your sins ; and if you cannot so much as look up to heaven, perhaps with downcast eyes, smiting your breast, you may both feel and express the fervent wish of the publican.

Weep, I say, over the blood of Golgotha ; for if you go out of the world, with his blood in your conscience, it will wring your soul with never-ending agonies and horror.

You die an early victim to public justice, and are cut off in the morning of

your days. But to *him* who is pardoned by his God, it is of no importance whether his days be few or many. No is any life sufficiently long, though be extended to a thousand years, which is spent in scenes of guilt and folly, and at the close of which, the unhappy man is found unreconciled to his God.

To conclude : Let me earnestly advise and beseech you, to send for some pious clergyman, and to converse freely with him, on your *present* wretched situation, and more alarming *prospects*. And who knows, but through the blessing of God on your endeavours, you may be presented without spot or blemish, before the throne of the Lamb, and shine hereafter among the spirits of just men made perfect, in the realm of ineffable glory and felicity.

The sentence which the law prescribes, and which this court awards is this, &c. &c.

ON DUELLING.

DELIVERED AT READING, BEFORE THE GRAND
JURY OF BERKS COUNTY, NOV. 1802.]

Gentlemen of the Grand Jury,

IT is the unerring declaration of Holy writ, that "God made man upright, but they have sought out many inventions."* Ever since the disobedience and apostacy of our first parents, his imagination has been unremittingly on the stretch, to find out some new scheme of gratifying his passions, at the expense of moral duty ; and so successful have been his efforts in exploring the hallowed scenes of guilt and folly, that it may be fairly questioned, whether at this period of the world, any possible mode of sinning against his Crea-

* Eccles. vii. 29.




tor, hath been left undiscovered. All the duties of the decalogue, that rule of everlasting righteousness, have been transgressed in so many thousand shapes, that it would seem to exceed the compass of human sagacity to add a single vice to the black catalogue. Instead of obedience to the first and great commandment---supreme love to his Creator, the ruling passion of every perfect mind---daily experience evinces, that he loves every other object better. Instead of loving his neighbour as himself, the great precept of the second table, we see him continually violating the rule of eternal justice, of doing to others as he would wish they should do to him ; and instead of extending the hand of benevolence to the relief of his fellow-creatures, we behold him too frequently extending the arm of destruction, at the merciless call of pride, revenge, avarice or ambition. But among all the deviations from moral rectitude---among the innumerable ways of oppugning the

laws of God, which the depraved ingenuity of man has invented, it hath been reserved for modern manners, to discover and to introduce, the most singular, the most extraordinary, and the most unaccountable, that ever disgraced a Christian country ; I mean the custom of DUELLING.

It is not my design, Gentlemen, to give an historical account of the rise and progress of duelling ; it would be at this time altogether superfluous. It is sufficient for my present purpose to insist, that it is illegal---that it is immoral---that it is irrational---and that it is impious.

As murder, in contemplation of law, essentially consists in deliberately killing a fellow-creature, it is obvious where death ensues in a duel, that it is, generally speaking, the most aggravated species of murder ; because it is ac-

accompanied with every circumstance of cool preparation, that a spirit of revenge can dictate. In such extreme abhorrence does our law justly hold this offence, that not only the principal, that is, he who actually kills the other, is guilty of murder, but his *second* also, because he takes part with him, and his presence becomes a principal in the first degree. Nor is it any extenuation of the crime, that the person killed was first struck by the deceased, or that he had often declined to meet him, or that he was at last prevailed upon to do it by importunity, or that he only intended to support his reputation, or that he meant only to disarm his adversary. These and all such frivolous excuses are of no avail, in any case where the fight happens after such a lapse of time, that there is ground to believe the violence of the passion had subsided. By the common law, barely sending a challenge, though no fighting ensue, is a misdemeanor punished by fine and imprisonment.




ment. More effectually, however, to discourage and check this vice, a special law of our state has provided, that the person sending a challenge shall forfeit two hundred and eighty dollars, or suffer twelve months imprisonment; and the person accepting it, one hundred and forty dollars, or suffer six months imprisonment. The person who carries a challenge, and he who consents to be a second in any intended duel, shall each forfeit one hundred and forty dollars, or suffer six months imprisonment. All the parties above-mentioned, who engage in this iniquitous transaction, forfeit also the right of citizenship for seven years.

But duelling is not only contrary to the laws of our country; it is repugnant also to every principle of moral obligation. The true notion of an immoral act, is where one free agent does a voluntary injury to another, or to himself. Cheating a person out of his

right, stealing his property, wounding the fame of our neighbours, swearing, blasphemy, drunkenness, adultery, and the like, are universally acknowledged to be immoral acts. A man may likewise be guilty of an immoral act towards himself, as by killing himself; or by disabling himself so as to be incapable of discharging the business or occupations of life; of which Sir Edward Coke relates a very singular instance: A sturdy young fellow, in order to have a pretence for begging, employed a person to cut off his left hand; for which the two rogues were both very properly indicted and fined.* In the perpetration of crimes, men are impelled by very different motives, varying according to the make of their minds, and the circumstances in which they happen to be placed. It should, however, be remembered, if the *motive* be criminal, the *act* must necessarily be immoral.—Where then, I ask, is the difference, in

* Inst. 127, a & b.



moral view, between a bloodthirsty highwayman, who murders for the sake of gold, and the duellist, who murders for the sake of revenge? They both commit a crime of the greatest magnitude, but to gratify different propensities. The robber wants money, and the duellist wants what *he calls* satisfaction; and in order to attain their ends, they do not scruple to make use of *murder* as the means. For my own part, I cannot avoid thinking, that even a Baily, shooting and mangling the body of Folhafer,* to get possession of his money, is not an object of greater guilt and horror, than a duellist, deliberately glutting a spirit of revenge, in the blood of his fellow-creature.

In the next place, Gentlemen, duelling is irrational. This is a position,

* Folhafer was a pedlar, murdered and robbed on the Dartmouth road, by Baily, for which he was executed in the county of Bucks, a few years ago.

which I believe, no man in his senses will controvert. The decision of a quarrel between two persons, by the use of deadly weapons, has an air of folly and distraction, that no language can describe. Walking over red hot irons, is sport when compared with it, and certainly is not more ridiculous, as a test of truth and innocence. Upon this subject, it is difficult to be serious. You will, therefore, pardon me, when I observe, that to stake the merits of a personal quarrel, on the event of a *foot race* between the parties, would not be more stupidly absurd, than to rest it on the contingency of shooting at each other: and as the race would be more harmless, it is a pity it cannot be adopted. Which of the two could *run* the fastest, would be quite as good evidence of his being in the right, as it is to ascertain which of them has the strongest arm, or can shoot the best. If the wisdom of our duellists would condescend to introduce the expedient of a

ace to decide their disputes, matters would be totally changed. The longest *legs* would then generally be found to be in the right ; whereas *now* it is the strongest *arm* ; and the one is certainly not more absurd than the other.

It has been seriously said upon this subject, that a challenge is the means of obtaining satisfaction for insulting language, or any other affront to a person, or to his family. Of all the idle excuses for duelling, this is certainly the most unfounded and preposterous.--- When both parties fire without effect, which is generally the case, is this any satisfaction for ungentlemanly aspersions, or does it prove the charges are *not* true ? No body will pretend that it does. But mark, Gentlemen, the folly of the business. This same duel, by some unintelligible operation, whitewashes the party, and restores him to credit and reputation, even in the opinion of his antagonist ; and to heighten

the farce, he is obliged to consider him ever afterwards as a gentleman, though in his conscience he knows him to be a bad man, and that the epithets he applied to him were *always* true. The following anecdote is said to be a fact. A young lady having been debauched by her brother, in order to obtain satisfaction, thought it incumbent on him to call her seducer to account, who fled the country, but was pursued from clime to clime, until he was overtaken and forced to fight. The result was, the brother of the young lady was wounded, and became a cripple for life. But as he had now received the *satisfaction* of a gentleman, his antagonist of course became *immaculate* ; the disgrace of his sister, and the dishonour of the family were wiped off, by a sort of magical sponge ; and the two duellists were frequently seen afterwards, locked arm in arm, like the best friends and brothers !

Nor is duelling a fair and equal proof of courage. Providence, by placing men in a great diversity of situations, has clearly shewn, they were not *all* laid under the same obligations, and that different duties were required at their hands. No body is so ignorant as to assert that the obligations of a *husband* and *father* of a family, are the same as those of a single man. In the instance therefore of duelling, they stand on very different ground. In rushing into the desperate scene, the ties to be broken through by the *one*, are numerous and tender, and being strongly twisted together, form a powerful cord of duty and attachment, while those of the other are comparatively few and feeble. Until two men can be found, in precisely similar situations, which I believe to be impossible, duelling will never be a fair experiment of their courage ; because it requires a much greater strength of mind, to disengage the heart, where it is bound by many ties,

than where it is bound by few, or not at all, which is often the case.

In the last place, duelling is highly impious. When we reflect, that man is a dependent being, and that life is a post, at which he is placed, in trust for himself, his family and others, it must surely be an act of the highest treason against the Lord of Nature, to desert. In the language of Judge Blackstone, it is an act of the most daring impiety: "when men without warrant or authority from any power, human or divine, but in direct opposition to both, voluntarily engage to sport with their own lives, and those of their fellow-creatures. It is pretended heroism; but at bottom it is real cowardice. The cowardly fear of the world is undoubtedly the true cause of duelling, which proceeds wholly from forming too high an estimate of the value of character, and that the good opinion of mankind is

preserved at the risque of eternal destruction. Our religion expressly teaches, that we should obey God, rather than man. No circumstance, therefore, displays the horrid guilt of duelling in so strong a light, as that it is an open and avowed preference of the applause of man, before the approbation of God, and at the solemn moment when the parties are in danger of rushing into his presence, in the very *act* of sinning against him.

Long observation upon this subject hath induced me to believe, that the finger of Heaven is pointed in a very distinct manner, against the *aggressor*, and that when either party is killed, it is uniformly the *challenger*. This assertion is not made lightly or rashly, but after mature reflection, due inquiry and conversation. Perhaps it might be indelicate in this place, to state the numerous instances that have occurred in

our own country, to justify the remark. For my own part, I solemnly aver, that from the famous and bloody duel, between Sachville and Bruce, in the reign of James the first, of England, down to the last between General Spaight and Mr. Stanly, of North Carolina, I have never met with a single exception. In every case where death ensued, it was constantly the portion of the challenger. It is, however, highly probable, there may be exceptions. But a few exceptions, it is well known, do not destroy the correctness of a general remark. Something like the idea now suggested, appears indeed to be clearly foretold, and deduceable from the words of our Saviour, on a memorable occasion. Reprehending the rashness of Peter, "Put up thy sword," says he, "for all they that take the sword, shall perish by the sword." That is, to use the words of a learned commentator, "they who, without a just and lawful call, run im-

mediately to the sword to revenge themselves, shall ordinarily fall by it.”*

Take care then, ye challengers—ye hunters after human blood, how you venture into a scene, in which the part you act, is, in a most signal and pointed manner, condemned by the Providence of God, and the express declaration of Holy Writ.

The truth is, Gentlemen, duelling has become a fashionable vice in our country, and it is therefore to be feared, inexterminable. But what shall we say, in this case, of the criminal conduct of our senators and members of congress, who, by their example, have given a tone and sanction to one of the most flagrant offences, that can be committed in a state of society. The vices of such men, have a tenfold guilt attached to

* Dr. Guyes, Matthew xxvi. 52. See also Dr. Hammond, to the same purpose, in Loco.


them. Instead of raising the morals of our country, and purifying the fountain, from which people are so apt to draw their ideas, and their habits, they corrupt and mislead those, whom it is their duty to instruct, in the principles of public virtue, and moral order. A regard for the happiness of the people, is an essential part of the duty of a good ruler; but unfortunately, an attention to this subject is neglected, as a matter of no importance. They who are placed in authority, are too apt to feel no solicitude for the permanent interest of the flock, subjected to their charge. The irresistible force of **EXAMPLE** is overlooked by our rulers, who seem strangely to apprehend, if their sentiments be correct, their practices are an object of no consideration. Although, in our opinion, Gentlemen of good principles, & good morals should be always combined; yet if they *must* be separated, it is infinitely better for the interests of society, that the *manner*

rather than the *principles* of a public magistrate, should be pure and upright.

Two things would powerfully contribute to stop the progress of this alarming evil, perhaps to extirpate it.— In the first place; there should be an absolute and utter prohibition of all newspaper accounts of duels, which operate like wild-fire on the minds of our young people, whose imaginations, already too much heated with false notions of honour, are blown into a flame by every thing of the sort. The coolness and regularity frequently displayed on such occasions, are read with admiration; and admiration is naturally followed by imitation. Nor is it unreasonable to suppose, the combatants themselves, are, in some degree influenced, by the prospect of being held up to the world, as men of spirit and enterprize, in an hour of danger. At all events, it is certain, that the publications which are usually made by their

seconds, of the attempt to commit murder, is the most indecorous insult upon government, religion, decency and good order, that ever was tolerated by a virtuous and enlightened country.

In the next place, the axe, as far as possible, should be applied to the root of the evil, by removing the causes which generally lead to such desperate excesses. All offensive and irritating expressions, such as rogue, rascal, liar, villian, scoundrel, and the like, should be made cognizable in the courts of criminal jurisdiction ; and persons convicted of using them, or any other provoking language, or gesture, should be punished by fine and imprisonment, at the discretion of the court. I believe I am no fanciful innovator in the science of government ; but it is my decided opinion, a law of this sort, would be attended with the most salutary effects, in checking that petulence and rudeness of expression, which is so fre



ently the foundation of duelling, and
her breaches of the peace. Among
: instructions of the late Empress of
ssia, for drawing up a criminal code,
work which has been universally ad-
red, as the effort of a great and en-
htened mind, it is a sound idea,
hat all offences, from treason, down
the slightest injury, or affront, to an
lividual, should be punished.*—
or would a provision of this sort, be
great an innovation, as may at first
imagined. Something of the same
d exists in fact, at present, in the
vs of our own country. A scolding,
tawling woman, is liable to be indict-
, fined, and imprisoned. And I see
reason why a scurrilous, foul-
outhed man, should not be equally
ble to punishment, without any rep-
tion of the offence. It is at least the
ty of government, to try the experi-

* Instr. 128.

ment ; and if the law should be found inconvenient or improper, it may be repealed ; and we shall then be just in the situation we now are. One thing is indubitable. The passing such a law, by removing all pretence for single combat, would completely exonerate our rulers from every degree of censure ; and throw the guilt of murder where it ought to lie, wholly on the conscience of the duellist.

But after all, Gentlemen, it must be acknowledged, the only radical cure for this inveterate evil, is the Christian religion, applied to the heart. Here only shall we find a sovereign antidote for this potent poison, and genuine balm for all the ills of life. The vital principles of this religion, will more effectually banish duelling from our country, than all the laws, that Solon, or Lycurgus, or mere human wisdom can ever invent ; because they strike at the very root of the evil, and correct the

t, the source of every wickedness. All its followers, Christianity preaches, in the most authoritative man-

“to put away all bitterness and wrath, and anger, and clamour, and railing, with all malice, and to be kind one to another, tender hearted, forgiving one another* It may therefore be assumed as an axiom, that the true believer of the Christian religion, will never fight a duel; though it must be confessed, he is more frequently engaged in combats than any other man. But both his enemies, and his weapons of his warfare are very different from those of the duellist. Educated in the school, not of “dull philosophy, which Plato taught to cold logic and lemons,” but in the school of HIM from whom it is emphatically said, “He that is about doing good,” he is deeply sensible, that a life of active benevolence, is an indispensable duty, and the forgiveness of injuries is en-

Eph. iv. 30, 31.

joined, as the sole and awful condition of obtaining the pardon of his offences, at the tribunal of his Maker. It is indeed certain, that if any one position be more strongly marked incompatible with the perfection of Christian system, it is a fiery and dictive temper ; because its Divine Author every where represents the exercise of a mild and forgiving spirit as decisive evidence of moral renovation and the entire subjection of the individual to his laws and government. This exalted precept, however, with its beneficial influence on the individual, as well as on social happiness, was wholly unknown to the wisest of the heathen philosophers. Even Cicero and Aristotle, of the most distinguished, speak of forgiveness of injuries, as meanness and pusillanimity. And in general, the philosophers and poets bestow the highest eulogium on those who discover the most implacable resentments ; and have painted their heroes great, in

tion as they were fortunate, in executing their projects of revenge. "But how much more magnanimous, Gentleman, how much more beneficial to mankind, is the forgiveness of injuries! It is more magnanimous, because every generous and exalted disposition is requisite to the practise of it. It is more beneficial, because this amiable conduct alone can put an end to an eternal succession of injuries; for every retaliation becomes a new injury, and requires another act of revenge for satisfaction."* It has been well observed by Sir Robert Steele, that cowards have fought, cowards have conquered—but cowards never forgave.† Establish therefore by heart, O man! in that which is right, and then know that the greatest of human praise is to be immutable.

To conclude, Gentlemen, let me call your attention to the oath you have

* Soame Jenyns, Esq. on the internal Evidence of the Christian Religion.

† Christian Hero.

just taken, which expresses your duty in terms at once comprehensive, striking, and solemn. It will require the utmost vigilance of mind, to guard on the one hand against the suggestions “of envy, hatred and malice,” and on the other against the secret impulse of “fear, favour, and affection.” We should remember, that the perjured juror, as well as the corrupt and unprincipled judge, are equally an abomination in the sight of that God who hateth iniquity, and is no respecter of persons. The precept from Heaven, delivered some thousand years ago, is surely as binding upon all those, who are now vested with judicial power, as it was upon the great prophet and law-giver of the Jewish nation, to whom it was immediately addressed. Thus saith the Lord unto his servant Moses, and through him to every one of us, who is employed in the administration of justice—“you shall do no unrighteousness in judgment---thou shalt not

pect the person of the poor, nor hon-
the person of the mighty---but in
iteousness shalt thou judge thy
ghbour."

~~~~~  
*END OF THE CHARGES.*  
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[illegible]

AN ABSTRACT

OF THE

Act of the General Assembly of Pennsylvania

RESPECTING

VICE AND IMMORALITY.

[PASSED APRIL 22, 1794.]

Sec. 1. IF any person shall do and perform any worldly employment or business whatsoever on the Lord's Day, commonly called Sunday, works of necessity and charity only excepted, or shall use or practice any unlawful game, hunting, shooting, sport or diversion whatsoever, on the same day, and be convicted thereof, every such person, so offending, shall, for every

such offence, forfeit and pay four dollars, to be levied by distress ; or in case he or she shall refuse or neglect to pay the said sum, or goods and chattels cannot be found whereof to levy the same by distress, he or she shall suffer six days imprisonment in the house of correction of the proper county ; *Provided*, That nothing herein contained shall be construed to prohibit the dressing of victuals in private families, bake houses, lodging-houses, inns and other houses of entertainment, for the use of sojourners, travellers, or strangers, or hinder watermen from landing their passengers, or ferrymen from carrying over the water travellers, or persons removing with their families, on the Lord's Day, commonly called Sunday, nor to the delivery of milk, or the necessaries of life, before nine of the clock in the forenoon, nor after five of the clock in the afternoon, of the same day.

Sec. 2. If any person of the age of sixteen years, or upwards, shall profanely curse or swear by the name of God, Christ Jesus, or the Holy Ghost, every person so offending, being thereof convicted, shall forfeit and pay the sum of sixty-seven cents, for every such profane curse or oath ; and in case he or she shall refuse or neglect to pay the said forfeiture, or goods and chattels cannot be found, whereof to levy the same by distress, he or she shall be committed to the house of correction, of the proper county, not exceeding twenty-four hours, for every such offence of which such persons shall be convicted ; and whosoever, of the age of sixteen years, or upwards, shall curse or swear by any other name or thing than as aforesaid, and shall be convicted thereof, shall forfeit and pay the sum of forty cents for every such curse or oath ; and in case such offenders shall neglect or refuse to satisfy such forfeiture, or no goods or chattels can be

found, whereof to levy the same by distress, he or she shall be committed to the house of correction, of the proper county, not exceeding twelve hours for every such offence.

Sec. 3. If any person shall intoxicate him or herself, by excessive drinking of spirituous, vinous or other strong liquors and shall be convicted thereof, he or she shall forfeit and pay the sum of sixty-seven cents for every such offence ; or if such person shall refuse or neglect to satisfy the said forfeiture, or goods and chattels cannot be found, whereof to levy the same by distress, he or she shall be committed to the house of correction, of the proper county, not exceeding twenty-four hours for every such offence.

Sec. 4. The justices of the supreme court, severally, throughout this state, every president of the courts of common pleas, within his district, every as-

sociate judge of the courts of common pleas, and every justice of the peace, within his proper county, the mayor and aldermen of the city of Philadelphia, and each of them, within the limits of of the said city, and each burgess of a town corporate, within his borough, are hereby empowered, authorised, and required, to proceed against and punish all persons offending against this act, and every person who shall profane the Lord's Day, or who shall profanely curse or swear, or who shall intoxicate him or herself, as mentioned in the next preceding section of this act ; and for that purpose, each of the said justices or magistrates, severally, may, and shall convict such offenders, upon his own view and hearing, or shall issue, if need be, a warrant, summons, or *capias* (according to the circumstances of the case) to bring the body of the person accused as aforesaid before him ; and the same justices and magistrates, respectively, shall, in a summary way, en-

quire into the truth of the accusation, and, upon the testimony of one or more creditable witnesses, or the confession of the party, shall convict the person who shall be guilty as aforesaid, and thereupon shall proceed to pronounce the forfeiture incurred by the person so convicted, as herein before directed ; and if the person so convicted, refuse or neglect to satisfy such forfeiture immediately, with costs, or produce goods, and chattels, whereon to levy the said forfeiture, together with costs, then the said justices or magistrates shall commit the offender, without bail or mainprize, to the house of correction, of the county wherein the offence shall be committed, during such time as is herein before directed, there to be fed upon bread and water only, and to be kept at hard labour ; and if such commitment shall be in any county, wherein no distinct house of correction hath been erected, then the of-

ender shall be committed to the common gaol of the county, to be therein
ed, and kept at hard labour, as afore-
aid; and every such conviction may
e in the following terms, viz. "Be
t remembered, that on the day
of in the year of
A. B. of county, labourer (or
therwise as his or her rank, occupa-
ion or calling may be) is convicted be-
ore me, one of the justices of the
or one of the aldermen or burgesses of
he city or borough of in the
ounty of) of swearing pro-
me oaths, by the name of (or
therwise, as the offence and case may
e) and I do adjudge him (or her) to
orfeit for the same, the sum of
ents. Given under my hand and seal,
ne day and year aforesaid." *Provided,*
hat every such prosecution be com-
enced within seventy-two hours after
e offence shall be committed.

Sec. 5. If any person or persons cause to fight any cock or cocks, money or other valuable thing, or shall promote or encourage any match matches of fighting, by betting there or shall play at any match of bullets, any place, for money, or other valuable thing, or on any public highway, with or without a bet, or shall play at cards, dice, billiards, bowls, shuffle-board or any game of hazard or address, for money, or other valuable thing, every such person, so offending, shall, upon conviction thereof before any justice of the peace or magistrate, as aforesaid, forfeit & pay three dollars for every such offence; and if any person or persons shall enter a race, or start, or run any horse, mare, or gelding, for any plate, prize, wager, or sum of money, or other valuable thing, every such person, so offending, shall, upon conviction thereof as aforesaid, forfeit & pay the sum of twenty dollars

Sec. 6. If any tavern-keeper, pub-house-keeper, keeper of a tippling-house, or other retailer of wine, spiritous, or other strong drink, shall induce, promote, or encourage any games of address, hazard, cock-fighting, bullet-playing, or horse-racing, whereat money or other valuable thing shall be betted, staked, striven for, won or lost, or shall furnish any wine, spirituous liquors, beer, cyder, or other strong drink, to any of the persons who shall be assembled or attending upon any one of address, hazard, or cock-fighting, bullet-playing, or horse-racing, as aforesaid, or shall permit or allow of any kind of game of address or hazard, or bullet-playing, betting or gambling for money or other thing of value whatsoever, either at cards, dice, billiards, bowls, shuffle-board, or any game, device, or manner, to be practised, played, or carried on, within his or her dwelling-house, out-house, shed or place, in his or her occupancy, every such tavern-

keeper, keeper of a public-house, keeper of a tippling-house, or retailer of wine spirituous liquors, beer, cider, or of strong drink, who shall be legally convicted of convicted before any of the justices or magistrates as aforesaid, or in court of the quarter sessions of peace, or oyer and terminer and general gaol-delivery, held for the city or county wherein the offence shall committed, shall forfeit and pay, for every such offence, the sum of four dollars; and if such convict be a licensed public house-keeper, or retailer of wine or spirituous liquors, or be the licence of such persons shall thereupon null and void, and such offender shall be incapable of being again licensed, in like manner, for one year thereafter; and upon a second conviction of the like offence, such person shall forfeit and pay the sum of twenty dollars, and be forever incapable of being a public house-keeper, or retailer as aforesaid, within this state : *Provided*

That where any such licensed public house keeper or retailer aforesaid, who shall be convicted as aforesaid, before any one justice or other magistrate, shall think himself or herself aggrieved by such conviction, it shall and may be lawful for such licensed public house-keeper, or retailer, to appeal to the next court of quarter sessions of the peace, to be held for the city or county wherein the offence was committed (and not after) which said court shall thereupon proceed, as soon as may be, to hear and determine the said appeal, and to affirm or reverse the proceedings had before the said justice or other magistrate; and the determination of the said court shall be final and conclusive.

Seet. 7. No billiard table, E O table, or other device, for the purpose of gaming for money, or other valuable thing shall be set up, kept or maintained in any dwelling-house, out-house or

place, occupied by any tavern-keeper, inn-keeper, public house-keeper, taylor of wine, spirituous liquors, beer or cider, whether such person have licence or keep a tippling house, pain of forfeiting every such billiard table, E O table, or other device, and of forfeiting moreover the sum of twenty-six dollars, upon conviction thereof before any justice or magistrate as aforesaid, or in any court of quarter sessions of the peace, or of oyer and terminer and general gaol delivery, held for city or county wherein the offence shall be committed. And the judges of several courts of quarter sessions, upon application to them for a license to keep a tavern or other public house, shall if they see cause, inquire by the oath and affirmation of witnesses, or otherwise whether such applicant do keep such billiard table, E O table, or other device for gaming, within his or her dwelling house, out-house or other place, within such person's occupation

and if it does not appear plainly to the judges aforesaid, that such person, so applying, hath no such device for gaming in his or her possession, as aforesaid, the said judges shall not recommend such person to the governor for a licence ; and no licence issued to any person, who shall so possess as aforesaid, any such billiard table, E O table, or other device for gaming, shall be of any force or avail, but the same shall be void, to all intents and purposes : *Provided*, That the person or persons offending against the provision of this section shall be entitled to the like appeal, as is provided in and by the sixth section of this act.

Sect. 8. If any person or persons shall lose any money, or other valuable thing, at or upon any match of cock-fighting, bullet-playing, or horse-racing, or at or upon any game of address, game of hazard, play or game whatso-

ever, the person or persons who shall lose their money, or other valuable thing, shall not be compelled to pay or make good the same; and every contract, note, bill, bond, judgment, mortgage, or other security or conveyance whatsoever, given, granted, drawn, entered into, for the security or satisfaction of the same, or any part thereof, shall be utterly void and of none effect.

Sect. 9. If any person or persons shall lose any money, or other thing of value, at or upon any game of address or of hazard, or other play, and shall pay or deliver the same, or any part thereof, the person or persons so losing and paying or delivering the same, shall have a right within ten days thereafter, to sue for and recover the money or goods so lost, and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs of suit, by action of debt or case, for the value of the money or thing

so lost, founded on this act, to be prosecuted in any court of record, or where the value is under a sum that may be recovered before any justice of the peace within this commonwealth, subject to an appeal, as in other cases, in which action no essoine, protection or wager of law, nor more than one imparlance, shall be admitted, and in which actions it shall be sufficient for the plaintiff or plaintiffs to alledge, that the defendant or defendants, is or are indebted to him, her, or them, or hath or have received, to his, her, or their use, the money so lost and paid, or converted the goods won of him, her, or them, to the use of the defendant or defendants, whereby the action of the plaintiff or plaintiffs accrued to him, her or them, according to the form of this act, without setting forth the special matter.

Sect. 10. If any person within this commonwealth, shall challenge, by word or writing, the person of another to

said judges, in the distribution of their recommendations to the governor for licences to keep such taverns and public houses, having regard to the particular neighbourhoods and situations, the most suitable to the accommodation of the inhabitants and travellers; and the said judges are hereby authorised to issue their recommendations as aforesaid, as far as the numbers so limited and declared.

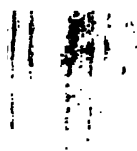
Sect. 12. One moiety of the forfeitures in money, accruing and becoming due for any offence against this act, shall be paid to the overseers of the poor of the city, borough, or township, wherein the offence shall be committed, for the use of the poor thereof, and the other moiety to the person or persons who shall prosecute and sue for the same; and the inhabitants of such city, or other place, shall, notwithstanding, be admitted witnesses, to testify against



Act against Immorality. 215

7 person who shall be prosecuted for
7 offence by virtue of this act : *Pro-*
ved, That no person shall be prose-
ted or convicted for any offence
ainst this act, unless such prosecu-
n be commenced within thirty days
er the offence has been committed.

~~~~~  
*THE END.*  
~~~~~





[REDACTED]

[REDACTED]

[REDACTED]

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